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181. Parliament

Fifth

~~FOURTH~~ SESSION.

Feb. / June 1872

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TO

THE 15TH DAY OF JUNE, 1872.

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CHARTER

OF THE

Canadian Pacific Railway Company.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all whom these presents shall come.

GREETING:

WHEREAS, by an Act of the Parliament of Canada, passed in the thirty-fifth year of Our Reign entitled "An Act respecting the Canadian Pacific Railway," it is provided, upon the considerations therein declared, that a Railway called "The Canadian Pacific Railway," should be made, in conformity with the agreement referred to in the preamble in the said Act, and should extend from some point on or near Lake Nipissing and on the south shore thereof, to some point on the shore of the Pacific Ocean; both the said points to be determined by the Governor in Council, and the course and line of the said Railway between the said points to be subject to the approval of the Governor in Council,

AND WHEREAS, It is, by the said Act, further provided, That the Government of Canada might further agree with the Company with whom they shall have agreed for the construction and working of the said Railway, for the construction and working of a branch line of railway from some point on the railway first thereinbefore mentioned, to some point on Lake Superior in British Territory, and for the construction and working of another branch line of railway from some point on the railway first mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America, the said points to be determined by the Governor General in Council; and that such branch lines of railway should, when so agreed for, be held to form part of the railway first thereinbefore mentioned, and portions of the Canadian Pacific Railway.

AND WHEREAS, amongst other things, it is by the said Act in effect provided, That if there should be no company either incorporated originally for the construction of the whole line of railway, or formed cut of two or more companies for

that purpose, or if the Government could not agree, or did not deem it advisable to agree, with any such company for the construction and working of the whole line of railway under the said Act, or if the Government should be of opinion that it would be more advantageous for the Dominion, and would better ensure the attainment of the purposes of the said Act, that a Company should be incorporated by Charter as therein provided, then if there should be persons able and willing to form such company, and having a subscribed capital of at least ten million dollars, secured to the satisfaction of the Governor in Council, and ready to enter into such agreement with the Government for the construction and running of the said railway, the Governor shall have power, upon the conditions in the said Act mentioned, to grant to such persons, and those who should be associated with them in the undertaking, a Charter embodying the agreement made with such persons which should be binding on the Company and so much of the said Act, and of the Railway Act (as such Railway Act was modified by any Act of the now last Session, with reference to any railway to be constructed under such Act on any of the lines or between any of the points mentioned in the said Act now in recital) as should be agreed upon between the Government and such Company; and that such Charter being published in the *Canada Gazette*, with any order or orders in Council relating to it, should in so far as it is not inconsistent with the said recited Act, have force and effect as if it were an Act of the Parliament of Canada.

AND WHEREAS, the Government has failed to induce the two companies incorporated by Parliament during its last Session, for the purpose of constructing the railway, to form one Company, and does not deem it advisable to agree with either of the said two Companies for the construction of the railway, and is of opinion that it will be more advantageous for the Dominion, and will better ensure the attainment of the purposes of the Act first above mentioned, that a company shall be incorporated by Charter as in such Act provided;

AND WHEREAS, Sir Hugh Allan, of the City of Montreal, Knight; The Hon. Adams George Archibald, of the City of

Halifax, C. M. G., a member of the Queen's Privy Council for Canada; the Hon. Joseph Octave Beaubien, of Montmagny, Commissioner of Crown Lands in the Province of Quebec; Jean Baptiste Beaudry, of the City of Montreal, Esquire; Egerton Ryerson Burpee, of the City of Saint John, Esquire; Frederic William Cumberland, of the City of Toronto, Esquire; Sandford Fleming, of the City of Ottawa, Esquire; Robert Newton Hall, of the town of Sherbrook, Esquire; the Hon. John Sabastian Helmcken, of the city of Victoria; Andrew McDermot, of the town of Winnipeg, Esquire; Donald McInnes, of the city of Hamilton, Esquire; Walter Shanly, at present of the town North Adams, of the United States of America, Esquire, and John Walker, of the city of London, in the Province of Ontario, Esquire, have shown themselves to be able and willing to form such company for the construction and working of the railway and branches; and have subscribed a capital sum of ten million dollars, secured to the satisfaction of the Governor in Council, and have so subscribed the same in the proportions following, that is to say: \$3,846,000, or nearly five-thirteenths, in the Province of Ontario; \$3,776,800, or nearly four-thirteenths, in the Province of Quebec, and \$769,300, or upwards of one-thirteenth, in each of the Provinces of Nova Scotia, New Brunswick, Manitoba and British Columbia respectively. And are ready to enter into an agreement with the Government for the construction and working of the railway and branches, and the Government has agreed with the said persons for the construction and working of the railway and branches.

AND WHEREAS, the agreement so made and entered into between the said persons and the Government, is embodied in this our Royal Charter.

Now, therefore know ye, that we of our special grace, certain knowledge and mere motion, and in pursuance of the power vested in us by the Act hereinbefore in part recited, do ordain, grant and declare that the said Sir Hugh Allan; Honorable Adams George Archibald; Honorable Joseph Octave Beaubien; Jean Baptiste Beaudry, Esquire; Egerton Ryerson Burpee, Esquire; Frederic William Cumberland, Esq.; Sandford Fleming, Esq.; Robert Newton Hall, Esquire; Honorable John Sabastian Helmcken; Andrew McDermot, Esquire; Donald McInnes, Esquire, Walter Shanly, Esquire; and John Walker, Esquire; together with all such

persons as shall become associated with them in the undertaking, for the purposes herein mentioned, shall be and are hereby constituted a body corporate and politic by the name, style and title of the "Canadian Pacific Railway Company," and by that name, they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever. And that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the name of "The Canadian Pacific Railway Company," shall be in law capable of taking, purchasing, and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the company, and the selling, conveying, leasing or otherwise departing therewith for the benefit and on the account of the company, from time to time, as they shall deem expedient or necessary, subject to the provisions, restrictions and limitations hereinafter contained.

STOCK.

2. And we do further ordain and declare that the capital stock of the company shall be ten million dollars, which shall not be increased but by Act of Parliament, (such capital stock having been already subscribed as aforesaid), to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property, and ten per centum thereon shall be paid into the hands of the Receiver General of Canada, in money or Canadian Government securities, within one month after the date of these presents, to remain in his hands until otherwise ordered by Parliament. And the interest received by the Receiver General from the investment of such money and from such securities shall be paid to the company as received, until he shall be authorized by the Government to withhold and retain the same by reason of some default incurred by the company in the performance of the conditions of this charter; or of any subsequent agreement between the Government and the company.

3. That the shares of the said capital stock shall, after the first deposit there-

on has been paid, be transferable; but no transfer made within six years from the date thereof shall be valid or effectual, unless it be made with the consent of the Government, and of the directors, and registered in the books to be kept by the company for that purpose; nor after six years, unless it be made with the consent of the directors, and registered as aforesaid. And in the event of the right of property in any of the shares in the capital stock of the company becoming transmitted otherwise than by direct transfer, the person claiming the same shall be bound to establish such claim in the manner provided for the transmission of Bank Stock by the Act 34 Vic., cap. 71, intitled, "An Act respecting Banks and Banking." And in the event of the bankruptcy or insolvency of any holder of any shares not fully paid up, or of the sale thereof under execution, such shares shall be *ipso facto* forfeited, but the Company shall pay the purchaser of such shares, or the Assignee or other representative of such shareholder for such shares at the current value thereof.

4. That no call shall be made upon the stock of the Company beyond or above the first deposit of ten per centum thereon, save as in this clause mentioned, and the balance of ninety per centum thereof, shall not be called up until after the expenditure of the money to be raised upon the bonds of the Company or otherwise, as hereinafter authorized and provided; but such balance shall remain as a security to the Government for the final completion and equipment of the railway. After such expenditure the directors may, from time to time, if necessary, with the approval of the Government, call upon the shareholders for such instalments upon each share, and in such proportion as the Directors may see fit; except that no such instalment shall exceed ten per centum on the subscribed capital, and that ninety days' notice of the time fixed for the payment thereof shall be given in such manner as the Directors shall think fit. And such calls shall not be made more frequently than once in ninety days.

RAILWAY.

5. That the Company, may and shall lay out, construct, equip, maintain and work a continuous railway, of the width or gauge of four feet eight and one-half inches; which railway shall be made in conformity with the Act hereinbefore recited, and with this Our Royal Charter; and such railway shall extend from some point on or near Lake Nipissing, and on the south shore thereof, to some point on the

shore of the Pacific Ocean, both the said points to be determined by the Government, and the course and line of the said railway between the said points to be subject to the approval of the Government.

6. That the Company may and shall lay out, construct, equip, maintain and work a branch line of railway from some point on the railway in the last preceding clause mentioned, to some point on Lake Superior in British Territory, and also another branch line of railway from some point on the railway in the last preceding clause mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America, the said points and the courses and lines of the said branches between the said points to be determined by the Government; the said branches to be of the gauge aforesaid, and such branch lines of railway shall form part of the railway in the last preceding clause mentioned, and portions of THE CANADIAN PACIFIC RAILWAY.

7. The railway shall be divided into sections, as follows:—

(1.) The Eastern Section.—Extending from the Eastern Terminus to Red River.

(2.) The Lake Superior Section.—Extending from some point on the Eastern Section to Lake Superior.

(3.) The Central Section.—Extending from Red River to a point in the longitude of Fort Edmonton.

(4.) The Manitoba Section.—Extending from the main line in the Province of Manitoba to the Boundary of the United States.

(5.) The Western Section.—Extending from a point in the longitude of Fort Edmonton to the Pacific coast.

8. That the Company shall, within two years from the twentieth day of July, in the year 1871, commence simultaneously the construction of the railway from the Pacific Ocean towards the Rocky Mountains, and from a point in the Province of Ontario hereafter to be determined by the Government, towards the Pacific Ocean, to connect the seaboard of British Columbia with the railway system of Canada; and further shall construct the Manitoba Section by the thirty-first day of December, 1874; the Lake Superior Section and such portion of the Eastern Section as shall be required to complete communication between Lake Superior and Red River, by the thirty-first day of December, 1876; shall proceed with and construct the eastern and western sections simultaneously; shall prosecute the work of constructing the railway with all due diligence; and

shall complete the whole railway within ten years from the said twentieth day of July, 1871, unless the last mentioned period shall be enlarged by Act of Parliament, in which case the Company shall complete the whole Railway within such extended period.

9. That the railway shall be constructed and equipped according to specifications to be hereafter agreed upon between the Government and the Company, and the materials of, and manner in which the several works forming part thereof shall be constructed, and the mode of working the railway, or any part thereof, including the description and capacity of the locomotive engines and other rolling stock for working it, shall be such as may be hereafter agreed upon between the Government and the Company; Provided always that if the Government and the Company should be unable to agree as to the details of any of the matters in this clause mentioned, the same shall be from time to time, referred to the determination of three competent Engineers, one of whom shall be chosen by the Government, one by the Company, and a third by such two Engineers, and the expenses of said references shall be defrayed by the company. And in order to establish an approximate standard whereby such matters may be regulated, the Union Pacific Railway of the United States is hereby selected and fixed as such standard, but in a general way only, and not with respect to any minor details in its construction or working which may be found to be objectionable, nor with respect to alignment and grades, which shall be as favourable as the nature of the country will admit of without undue expenditure.

10. That whenever any portion of the railway exceeding twenty miles is completed, the company shall, upon being thereunto required by the Government, work the same for the conveyance of passengers and goods, at such times and in such manner as shall be from time to time agreed upon between the Government and the Company, or in case of failure to agree, as shall be determined by three Engineers selected as hereinbefore provided.

11. That the Government may, from time to time, appoint such persons as it may think proper, to examine, inspect and report upon the construction and equipment of the railway, for the purpose of ensuring the faithful performance of the agreement between the Government and the Company, and the observance of all the provisions of this Charter.

12. That the Company may and shall construct, maintain and work a continuous telegraph line throughout and along the whole line of the railway, such telegraph line being required for the proper working of the railway, and forming a necessary appendage thereto.

13. That the Company shall, from time to time, furnish such reports of the progress of the work, with such details and plans of the work as the Government may require.

LAND GRANT.

14. That to secure the construction of the main line of railway, and in consideration thereof, there is hereby appropriated a grant to the Company of fifty million acres of land, which land, with the exceptions hereinafter mentioned, the Company shall be entitled to demand and receive in the Provinces of Manitoba and British Columbia, and in the North West Territories, in blocks not exceeding twenty miles in depth on each side of such main line, and not less than six nor more than twelve miles in width, alternating with blocks of like depth and width on each side thereof, reserved by the Government.

That to secure the construction of the branch lines, and in consideration thereof, the Company shall be entitled to demand and receive from the Government in the North West Territories, a land grant in aid of the branch line to Lake Superior, of twenty-five thousand acres per mile; and a land grant in aid of the branch line in Manitoba, of twenty thousand acres per mile.

That the land to be granted in aid of the main line, which shall not be comprised within the alternate blocks hereinbefore mentioned, or be within the Province of Ontario, shall be allotted to the Company in alternate blocks on each side of a common front line or lines, in like manner as the blocks granted and reserved along the line of the railway. And the land grant which the Government may be enabled to make to the Company for the purposes aforesaid, under any arrangement with the Government of the Province of Ontario shall be received by the Company as part of the said land grant in aid of the main line.

But no land grant shall include any land then before granted to any other party, or on which any other party has any lawful claim of pre-emption or otherwise, or any land reserved for school or other public purposes, or any land reserved, or to be reserved under agreement with the Hudson's Bay Company, and the

deficiency arising from the exception of any such lands shall be made good to the Company by the grant of an equal extent from other wild and ungranted Dominion lands.

That if it shall be found that any of the alternate blocks laid out along the line of the railway are unfit for settlement, the Company shall not be bound to receive from the Government any greater depth of land in such blocks than one mile, computed from the railway.

That the lands to be granted in aid of the main line of railway from out of the lands of the Dominion, and the lands to be granted in aid of the said branches, shall consist of such land as shall be found east of the Rocky Mountains between parallels forty-nine and fifty-seven of north latitude, and the Company shall not be bound to receive any lands which are not of the fair average quality of the land in the sections of country best adapted for settlement lying within those limits; and the same shall be laid out, as nearly as may be, contiguous to the lands granted along the main line of the railway and to the Lake Superior branch.

The Company shall also have a right of way for the railway through Dominion Lands.

The lands hereby appropriated to the Company shall be granted from time to time, at intervals of six months, as any portion of the railway is proceeded with, in quantities proportionate to the length, difficulty of construction and expenditure upon such portion, to be determined in such manner as hereafter is provided.

15. That the price at which the alternate blocks of land retained by the Government shall be sold by the Government, shall be from time to time adjusted by agreement between the Government and the Company, according to the price that is found to be obtainable for such lands without obstructing the settlement of the country. But unless the Company shall sell lands granted to them at a lower average price, or shall otherwise agree, the Government shall, for and during the term of twenty years from the date hereof, retain the upset price of such alternate blocks at an average price of not less than two dollars and fifty cents per acre. The provisions of this clause are, however, subject to the sanction of Parliament.

16. That the subdivision of blocks of land granted to the Company shall be made in conformity with the system of survey prescribed by the Dominion Lands Act and any amendment thereof; and shall be made by the Company, and be subject to the inspection and approval of

the Surveyor General of Dominion lands.

17. That the Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

SUBSIDY.

18. That a subsidy or aid in money, amounting to thirty million dollars, is hereby granted to the Company, payable from time to time by instalments at intervals of one month as any portion of the railway is proceeded with, in proportion to the length, difficulty of construction and cost of such portion, such proportion to be ascertained and settled in the same manner as is herein provided with respect to the grants of land.

19. That the Company shall allow as part of the subsidy, the cost of the survey made in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and to be made in the year one thousand eight hundred and seventy-three, by the Government of Canada, for the purpose of ascertaining the best line for the railway.

20. That it shall be lawful for the Company to accept and receive from the Government of any Province, or from any Municipality in Canada, or from any Corporation, a subsidy of aid in money, or bonds, or securities, payable in such manner at such times, on such conditions, and at such places in Canada or elsewhere as may be agreed upon with the Company.

BOARD OF TRUSTEES.

21. That the Company may by By-Law create a Board of Trustees, to consist of three persons, to be chosen and to be removable at pleasure, as follows, that is to say: one member thereof by the Government, one other member thereof by the Board of Directors, and one other member thereof by or on behalf of the bondholders, in such manner as may be provided by such by-law; and upon the completion of such Board by the choice of such members the same shall be published by the Secretary of the Company in the *Canada Gazette*.

22. That the removal, resignation, mental incapacity, or insolvency of any member of the Board shall vacate his appointment as such; and thereupon or upon the death of any member, the vacancy occasioned thereby shall be filled by the choice of a person to be a member of the said Board by the Government, the Board of Directors, or the bondholders, as the case may be, by whom the member whose vacant seat is to be filled was originally chosen. And such

change shall be published in the manner aforesaid.

23. That the duties and powers of the Board of Trustees shall be as follows:—

I. To receive from time to time from the Government of Canada such portion or portions of the subsidy of thirty million dollars as may be earned by, and payable to the Company as hereinbefore mentioned.

II. To receive from time to time the nett proceeds of the sales or rents of such portions of the land hereby appropriated as may from time to time be sold or leased by the Company; and also all such subsidies and aids as may be granted to the Company by the Government of any Province, or by any Municipality or other Corporation.

III. To pay the Board of Trustees, for their services, such sums of money as shall be from time to time fixed by by-law of the Company.

IV. After payment of the expenses of the trust, to invest all monies received by them as Trustees in the securities of the Government of Canada; or of any of its Provinces, or of the United Kingdom of Great Britain and Ireland, or of any of the Colonies of the United Kingdom, or of the British Possessions in India, or of the United States of America; and the Board may from time to time sell any such securities; and shall in any such case forthwith reinvest the proceeds of any such sale in other securities of the nature and kind hereinbefore mentioned, or in lieu thereof, when so directed by resolution of the bondholders passed in accordance with a by-law of the Company, purchase outstanding bonds of the Company.

V. The investments to be so made as hereinbefore directed, and the securities whereof the same shall from time to time consist, shall form a sinking fund, to be held by the Board of Trustees, upon the trusts following, that is to say, upon trust to pay all costs and charges, which may be incurred in respect of the execution of the trust hereby created, and in the investment and re-investment as hereinbefore mentioned, and thereafter upon trust to pay the interest upon the bonds of the company, as the same shall, from time to time become due and payable, and thereafter upon trust to pay and discharge the bonds of the company as the same, and the principal money thereby secured, shall mature and become due and payable; and upon this further trust, after full payment and discharge of all sums of money of principal, and interest upon the bonds of the company, and of all costs and charges incurred in respect of the

execution of the trusts hereby created to transfer the said sinking fund and the securities thereof to the Company, to and for the absolute use, and behoof of the company; and the trusts hereby created shall, thereupon cease and absolutely determine.

VI. The Board of Trustees shall conform to any order or direction respecting the performance of its duties, which may be concurred in by the Company and by the Bondholders acting as provided by by-law.

24. That the Board shall have further and other powers in the premises, as may be conferred upon them by any By-Law of the Company approved by the Government. But no such By-Law shall be contrary to, or inconsistent with, the provisions of this charter.

25. That a majority of the Board of Trustees may lawfully exercise the powers of the Board, and the action of such majority shall be held to be the action of the Board. But none of the powers hereby vested in the Company or in the Board of Trustees, or the majority of them, shall be acted upon contrary to or inconsistent with the provisions of any agreement which shall be duly entered into by the Company, or the Board of Trustees, or by both, with any person or persons who may agree to become holders of the bonds of the Company. And any agreement, resolution or proceeding made or taken contrary to, or inconsistent with such agreement, to the detriment of such bondholders, shall be absolutely null and void in law, and shall have no force or effect whatever.

LAND MANAGEMENT.

26. That the Board of Directors may, from time to time, appoint Commissioners or Agents for the management and disposal of the lands of the Company, with such powers and duties as shall be provided by the by-laws of the Company.

27. That the Company shall render to the Board of Trustees, yearly accounts of all sales, leases, or other disposition of lands; and shall from time to time pay over to the Board of Trustees the net proceeds thereof, after deduction of the cost of management and sale, such cost not to exceed ten per centum of the gross proceeds.

POWERS OF COMPANY.

28. That the Company shall, from time to time, cause the names of the several parties interested in the stock of the Company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and may in like manner cause the names and interest of the bondhold-

ers, to be recorded from time to time in a book to be called "The Bond Register;" and duplicates of all registers of stock and bonds of the Company, and of the holders thereof, kept at the principal office of the Company in Canada, may be transmitted to and kept by the agent for the time being of the Company in London.

29. That the Company may pay to the shareholders, interest on the amount of their paid up capital at the rate of five per centum per annum, during the construction of the railway and works

30. That the Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and all such promissory notes made or endorsed, and such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, under the authority of the Board, shall be binding on the Company; and may also issue scrip with the like signatures, redeemable in the stock of the Company, or in lands, or in both; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note, bill of exchange, or scrip: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

31. That the Company may, with the approval of the Government enter into and conclude any arrangements with any other incorporated railway company in Canada or the United States, for the purpose of making any branch or branches to facilitate a connection between the railways of the Company and of such other incorporated company, and they may, with like approval, enter into arrangements for the mutual interchange of traffic with all Railway Companies completing their lines to the lines of the company; and they may with like approval, lease or acquire such last mentioned railway or railways, or make running arrangements therewith, and generally may, with like approval, enter into such arrangements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

32. That the company, after the opening of the railway, or any part thereof, to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account attested by the President and Secretary of the Company, of all moneys by them earned on the

part so opened together with the running expenses thereof, with a classified statement of the tonnage of freight, and the number of passengers conveyed over the said road; and shall comply with any further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same.

33. That the Company may, until such right is determined by Parliament, undertake the transmission of messages for the public on any line of telegraph they may construct on the line of their railway, and collect toll for so doing; or may, with the approval of the Government, lease such line of telegraph, or any portion thereof, subject to any provisions herein contained and, if they think proper to undertake such transactions, they shall be subject to the provisions of the fourteenth and following clauses of chapter sixty seven of the Consolidated Statutes of Canada.

DIRECTORS AND THEIR POWERS.

34. That the said Sir Hugh Allan, Adams George Archibald, Joseph Octave Beaubien, Jean Baptiste Beaudry, Egerton Ryerson Burpee, Frederic William Cumberland, Sanford Fleming, Robert Newton Hall, John Sebastian Helmcken Andrew McDermot, Donald McInnes, Walter Shanly, and John Walker, (a majority of whom shall constitute a quorum for the transaction of business), shall be Provisional Directors of the Company, and shall have power and authority to elect a President and Vice President, from among their number, to appoint a Secretary, Treasurer and other officers, to call a general meeting of shareholders for the election of Directors, as hereinafter provided, and generally to do such other acts as shall be necessary for the conduct and management of the said undertaking, and for finally procuring the election of a Board of Directors by the shareholders.

35. That the Provisional Directors shall hold office until the election of their successors; and shall call a meeting of the shareholders to be held on such day, as hereinbefore provided for, and at such place in the City of Ottawa as they shall decide, giving due notice thereof to each shareholder; at which general meeting the shareholders present, either in person or by proxy, shall elect thirteen directors, who shall constitute the Board, and shall hold office until others are elected in their stead; and if any vacancy shall occur by the death, resignation, mental incapacity, insolvency or disqualification from want of Stock of any Direc-

tor, the vacancy shall be filled for the residue of the current year of office by the Board of Directors.

36. That the Directors be thirteen in number, of whom seven shall be a quorum, and provided such quorum be present, any absent Director may be represented and vote by another Director as his proxy; but no Director shall hold more than one proxy. And the Directors shall retire in the following order, that is to say: four at the end of the first and second years respectively, and five at the end of the third year, and so on in similar proportions, during succeeding years. The Directors so to retire at the end of the first year shall be selected by ballot of the Board. Those to retire at the end of the second year shall be selected by ballot among the nine Directors remaining of the original Board. And at the third and succeeding elections they shall retire by seniority, but the retiring Directors shall be eligible for reselection, and any Director appointed by the Board to fill a vacancy, shall also retire at the end of the current year of office, and a Director shall then be elected by the shareholders in his stead—which Director shall occupy the same position with regard to retirement and seniority as the director who first vacated the seat. And on the first Wednesday in February, in each year thereafter, or on such other day as may be appointed by a by-law of the Company, there shall be held at the principal office of the Company, a general meeting of the shareholders, at which meeting they shall elect such a number of Directors for the ensuing year as shall be required to supply the places of the Directors so retiring; and public notice of such annual meeting shall be given at least one month before the day of election. Each Director shall be a subject of Her Majesty, and a holder of at least two hundred and fifty shares of the said stock. The election of Directors shall be by ballot, and the President of the Company, and a majority of the Directors shall reside in Canada.

37. That the chief place of business of the Company shall be at the City of Ottawa, but other places at which the Directors or committees of the Directors may meet and transact business may be fixed by the by-laws of the Company.

38. That whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any purpose the Directors shall convene such meeting at the City of Ottawa, by advertisement, in the manner hereinbefore mentioned, in which advertisement the business to be

transacted at such meeting shall be expressly mentioned.

39. That any deed required and authorized to be executed on behalf of the Company, shall be held to be valid and binding on the Company, if it be signed by the President or Vice-President and by the Secretary, and the seal of the Company be affixed thereto; and no special authority shall be required for affixing the seal to any such deed.

40. That the Directors of the Company shall have power to administer, conduct and manage the affairs and business of the Company: and shall have and exercise all the powers requisite to enable them to do and perform, make and execute, all such acts, matters and things, deeds and instruments as shall be necessary to carry out the provisions of this charter, according to the true intent and meaning thereof, including the power of selling, leasing or otherwise disposing of the lands granted or to be granted in aid of the railway, and of any other lands of the Company not required for the purposes of the railway; except in so far as their powers are expressly limited by the provisions hereof. And they shall also have power, from time to time, to make by laws for the conduct, management and administration of the affairs of the Company generally; and for the remuneration of the President and Directors of the Company, if such remuneration be deemed advisable; and also such by-laws as are contemplated by the provisions of this charter for the regulation of divers matters herein required or authorized to be so regulated; and the same to amend or repeal; provided always however that such by-laws shall have no force or effect, in any respect in which they, or any of them, shall be contrary to or inconsistent with this charter, nor in any respect in which they shall require the approval of the Government, until they have received such approval. And such by-laws shall in no case have any force or effect after the next general meeting of Shareholders which shall be held after the passage of such by-laws by the Board of Directors, unless they are approved by such meeting; and any copy of the by-law of the Company, or any of them, purporting to be under the hand of the clerk, secretary or other officer of the said Company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all courts of the Dominion of Canada.

41. That the Directors of the Company are hereby authorized and empowered to issue bonds, which shall be a first charge

on the railway and its appurtenances, and on the tolls and revenues thereof, and on all lands, whether the property of the Company at the time of the issue of such bonds, or thereafter acquired. And such bonds shall be in such form, and for such amount, and with such coupons attached, and they, and the coupons attached thereto shall be payable, at such times and places as the Directors from time to time shall provide. And the payment to the Treasurer of the Company, or to any other person appointed by by-law for the purpose, by any *bona fide* purchaser of any lands of the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed, of such purchase money, shall operate as a release of the lands so paid for from the effect of such charge; and the Company shall keep all monies so received separate and apart from its ordinary funds, and shall pay over the net proceeds thereof to the Board of Trustees as hereinbefore provided. The bonds shall be signed by the President, or Vice-President and the Secretary, but the signature of the President or Vice-President to the bonds, and the signature of the Secretary to the coupons, may be lithographed or engraved thereon; and such bonds shall be valid without having the seal of the Company affixed thereto.

Provided that the amount of such bonds shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway to be constructed under and by virtue of this charter, unless the issue of bonds to a larger amount be authorized by the Government. And all bonds issued under this charter shall have the same and equal rank and priority, as a first charge on the assets of the company hereinbefore described.

42. That if, at any time, any agreement be made by the company with any persons intending to become bondholders of the company, restricting the issue of bonds by the company, under the powers conferred by the preceding section, or defining or limiting the mode of exercising such powers, the company thereafter shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the company, and no order, resolution, or proceeding thereafter made, passed, or had by the company, or by the Board of Directors contrary to the terms of such agreement, shall be valid or effectual.

43. That the directors of the company

may, by by-law appoint an agent or agents in the City of London, England, and may by such by-law make provision for the payment of dividends, and for the transfer of the stock and bonds of the company at the said city of London, in such manner, and upon such terms and conditions as shall be provided by such by-law. Provided that all such by-laws for the transfer of stock passed within six years after the date of this charter, shall be subject to the approval of the Government.

MISCELLANEOUS PROVISIONS.

44. That for the purpose of making an allotment of the land and money subsidies, the railway shall be divided into convenient sections; and so soon as sufficient information has been obtained respecting the difficulty and cost of construction of such sections, the proportion of land and money subsidies applicable to each of them shall be determined by agreement between the Government and the company; and if the Government and the company are unable to agree upon such proportion, the same shall be decided upon by three Engineers selected as hereinbefore provided.

45. That "The Railway Act of 1868," as modified by any Act of the Parliament of Canada, of the session held in the year 1872, with reference to any railway to be constructed under any such Act on any of the lines, or between any of the points mentioned in the Act in this Charter first recited, in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions thereof, are hereby incorporated therewith.

46. And as respects the said railway, that the eighth section of "*The Railway Act, 1868*," relating to Plans and Surveys, shall be subject to the following provisions:—

It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the Office of the Minister of Public Works of Canada, and any omission, misstatement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister, and certified by him; and the Company may then make the railway in accordance with such certified correction.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Government and deposited by the Company, shall be allowed, on the approval of the Government Inspector, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of the Government, and the Company may then make their railway in accordance with such authorized deviation.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "*Railway Act, 1868*," for all the purposes of the said Act, and of this charter; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works.

The Company shall not commence the construction of any bridge over any navigable water, until they shall have submitted to the Government plans of such bridge and of all the intended works thereto appertaining, nor until such plans, and the site of such bridge shall have been approved by the Government; and such conditions as it shall think fit to impose touching such bridge shall be complied with; nor shall any plan of any such bridge be altered, or deviation therefrom allowed, except by permission of the Government.

47. That the provisions made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired by the Company shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia, and the North West Territories; and as respects lands in the North West Territories, the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

48. That in the Provinces of British Columbia and Manitoba, any Judge of a Superior

or County Court shall have all the powers given by the said Act to a County Judge, and in the North West Territories such powers shall be exercised by a Judge of the Queen's Bench of the Province of Manitoba.

49. That it shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out; and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharfs, harbors and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Railway Act, 1868*," such greater extent, taken in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Public Works.

50. And whereas, it may be necessary for the Company to possess gravel pits and quarries, and lands containing deposits of gravel, stone, brick clay, iron or coal, as well as lands for stations and other purposes, at convenient places along the line of railway, for constructing and keeping in repair, and for carrying on the business of the railway, and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; therefore, that the said Company may purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then, with the necessary of right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, fuel yards, station grounds or workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

51. That as respects places not within any Province, any notice required by the *Railway Act, 1868*, to be given in the

"Official Gazette" of a Province, may be given in the *Canada Gazette*.

52. That deeds and conveyances of lands to the Company for the purposes of this Charter (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:—

"Know all men by these presents, that I, A.B., in consideration of _____ paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

"Witness my hand and seal, this _____ day of _____

one thousand eight hundred and _____

"Signed, Sealed and Delivered } A.B., [L.S]
in presence of _____

"C.D.

"E.F."

or in any other form to the like effect.

53. That Her Majesty's naval and military forces, whether Imperial or Canadian, Regular or Militia, and all artillery, ammunition, baggage, provisions, or other stores for their use, and all officers and others travelling on Her Majesty's naval or military or other service, and their baggage and stores, shall at all times, when the Company shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Minister of Militia and Defence of Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or on the Pacific Ocean, be carried on the said railway on such terms and conditions, and under such regulations as the Government shall from time to time make.

54. That the Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions, shall have the power vested by section forty-nine of "*The Railway Act, 1868*," in the Justices so assembled in the Province of Ontario as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the Peace in any Province, or in any place not within a Province, shall have the powers given by the said section, to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables; and where there is no Clerk of the Peace the record of the appointment of a constable shall be dispensed with.

55. That it shall be lawful for the Government, by order to be published in the *Canada Gazette*, on or before the first day of May, 1874, to declare this charter, and the several provisions thereof, and all contracts and agreements made thereunder between the Government and the Company to be null and void, if the Company have not by the first day of January last preceding that date, made arrangements to the satisfaction of the Government for raising the money required for the construction and working of the said railway.

56. That the expression "the Government" and "the Governor in Council" in this charter, mean the Governor General in Council; and the expression "railway" includes as well the branches as the main line of the Pacific Railway, except when the contrary appears from the context.

And We do, for ourselves, our heirs and successors, grant and declare that these Our Letters Patent, or the enrolment thereof, shall be in and by all things valid and effectual in the law, according to the true intent and meaning of the same, and shall be recognized as valid and effectual by all our Courts and Judges, and all officers, persons, and bodies politic or corporate, whom it doth or shall or may concern.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Right Trusty and Well Beloved Cousin and Councillor the Right Honorable Sir FREDERIC TEMPLE, Earl of DUFFERIN, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh in the County Down, in the Peerage of Ireland and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Governor and Commander-in-Chief in and over the Island of Prince Edward, and Vice-Admiral of Canada and Prince Edward. At Our GOVERNMENT HOUSE, in our CITY OF OTTAWA, in Our Dominion, this Fifth day of February, in the year of Our Lord, one thousand eight hundred and seventy-three and in the Thirty-sixth year of Our Reign.

By Command.

J. C. AIKINS,
Secretary of State

THE SENATE.

ALPHABETICAL LIST of the Senators of the Dominion of Canada,
Fifth Session of the First Parliament, 1872. The Honourable
JOSEPH EDOUARD CAUCHON, Speaker.

<i>Senators.</i>	<i>Post Office Address.</i>
The Honourable	
<i>Aikins, James Cox</i>	Richview.
<i>Allan, George William</i>	Toronto.
<i>Anderson, John H.</i>	Halifax
<i>Archibald, Thomas D.</i>	Sydney, C. B.
<i>Arnaud, Joseph F.</i>	Rivière-des-Prairies.
<i>Benson, James Rae</i>	St Catharines, Ontario.
<i>Bill, Caleb R.</i>	King's County.
<i>Blake, Oliver</i>	Waterford, Ontario.
<i>Botsford, Amos Edward.</i>	Westcock, Westmoreland.
<i>Bourinot, John</i>	Sydney.
<i>Bureau, Jacques Olivier</i>	Montreal.
<i>Burnham, Asa Allworth</i>	Cobourg.
<i>Campbell, Alexander.</i>	Kingston.
<i>Cauchon, Joseph E.</i>	Quebec.
<i>Chaffers, William Henry</i>	St. Césaire.
<i>Chapais, Jean Charles</i>	St Denis, Kamouraska.
<i>Christie, David</i>	Paris, Ontario.
<i>Cormier, Charles</i>	Plessisville.
<i>Dever, James</i>	St. John, N. B.
<i>Dickey, Robert B.</i>	Amherst.
<i>Dickson, Walter Hamilton</i>	Niagara.
<i>Duchesnay, A. Juchereau</i>	Ste. Catherines, Fossambault.
<i>Duchesnay, Elzéar H.</i>	Ste. Marie, Beauce.
<i>Dumouchel, Léandre</i>	Ste. Thérèse de Blainville.
<i>Ferguson, John</i>	Bathurst.
<i>Ferrier, James</i>	Montreal.
<i>Flint, Billa</i>	Belleville.
<i>Foster, A. B.</i>	Waterloo.
<i>Glasier, John</i>	Sunbury, N. B.
<i>Guévremont, Jean Baptiste</i>	Sorel.
<i>Hamilton, John</i>	Kingston.
<i>Hamilton, John</i>	Hawkesbury.
<i>Hazen, Robert Leonard</i>	St. John, N. B.

SENATE.

ALPHABETICAL LIST of Senators of the Dominion, &c.—(Con.)

<i>Senators.</i>	<i>Post Office Address.</i>
The Honourable	
<i>Holmes, John</i>	Pictou.
<i>Kenny, Edward</i>	Halifax.
<i>Lacoste, Louis</i>	Boucherville.
<i>Leonard, Elijah</i>	London.
<i>Leslie, James</i>	Montreal.
<i>Letellier de St Just, Luc</i> ..	Rivière-Ouelle.
<i>Locke, John</i>	Shelburne.
<i>Macpherson, David Lewis</i>	Toronto.
<i>Macfarlane, Alexander</i>	Wallace, N. S.
<i>McClelan, Abner Reid</i>	Hopewell, Albert County.
<i>McCrae, Walter</i>	Chatham, Ontario.
<i>McDonald, Donald</i>	Toronto.
<i>McLelan, Archibald W</i>	Londonderry, N. S.
<i>McMaster, William</i>	Toronto.
<i>Malhiot, Charles</i>	Pointe-du-Lac.
<i>Matheson, Roderick</i>	Perth.
<i>Miller, William</i>	Halifax.
<i>Mills, Samuel</i>	Hamilton.
<i>Mitchell, Peter</i>	Newcastle, Miramichi.
<i>Northup, Jeremiah</i>	Halifax.
<i>Odell, William Hunter</i>	Fredericton.
<i>Olivier Louis A</i>	Berthier.
<i>Price, David Edward</i>	Chicoutimi.
<i>Reesor, David</i>	Markham.
<i>Renaud, Louis</i>	Ste. Martine, Chateauguay.
<i>Robertson, John</i>	St. John, N. B.
<i>Ross, John</i>	Toronto.
<i>Ryan, Thomas</i>	Montreal.
<i>Sanborn, John Sewall</i>	Sherbrooke.
<i>Seymour, Benjamin</i>	Port Hope.
<i>Shaw, James</i>	Smith's Falls.
<i>Simpson, John</i>	Bowmanville.
<i>Skead, James</i>	Ottawa.
<i>Steeves, William Henry</i>	St. John, N. B.
<i>Tessier, Ulric Joseph</i>	Quebec.
<i>Wark, David</i>	Richibucto.
<i>Wilmot, Robert Duncan</i>	Belmont, Sunbury.
<i>Wilson, Charles</i>	Montreal.

THE HOUSE OF COMMONS.

Speaker—The Hon. JAMES COCKBURN. *Clerk*—W. B. LINDSAY, Esq.

PROVINCE OF ONTARIO.

<i>Constituencies.</i>	<i>Members.</i>	<i>Post Office Address.</i>
Addington.....	<i>James N. Lapun.....</i>	Napanee.
Algoma.....	<i>W. M. Simpson.....</i>	Sault Ste. Marie.
Bothwell.....	<i>David Mills.....</i>	Bothwell.
Brant, N. R.....	<i>J. Y. Bown, M. D.....</i>	Brantford.
“ S. R.....	<i>Hon. E. B. Wood.....</i>	“
Brockville, Town.....	<i>Jas. Crawford.....</i>	Brockville.
Bruce, N. R.....	<i>Alex. Sproat.....</i>	Southampton.
“ S. S.....	<i>Francis Hurdon.....</i>	Kincardine.
Cardwell.....	<i>T. R. Ferguson.....</i>	Cookstown
Carleton.....	<i>J. Holmes.....</i>	Bell's Corners.
Cornwall, Town.....	<i>Hon. J. S. Macdonald.....</i>	Cornwall.
Dundas.....	<i>J. S. Ross.....</i>	Iroquois.
Durham, E. R.....	<i>F. H. Burton.....</i>	Port Hope.
“ W. R.....	<i>Ed. Blake.....</i>	Toronto.
Elgin, E. R.....	<i>T. W. Dobbie.....</i>	Staffordville.
“ W. R.....	<i>J. H. Munroe.....</i>	Wardsville.
Essex.....	<i>J. O'Connor.....</i>	Windsor.
Frontenac.....	<i>T. Kirkpatrick.....</i>	Kingston.
Glengarry.....	<i>D. A. Macdonald.....</i>	Alexandria.
Grenville, S. R.....	<i>Walter Shanly.....</i>	Montreal.
Grey, N. R.....	<i>Geo. Snider.....</i>	Owen Sound.
“ S. R.....	<i>Geo. Jackson.....</i>	Bentinck.
Haldimand.....	<i>D. Thompson.....</i>	Indiana.
Halton.....	<i>John White.....</i>	Milton.
Hamilton, City.....	<i>Charles Magill.....</i>	Hamilton.
Hastings, N. R.....	<i>McKenzie Bowell.....</i>	Belleville.
“ E. R.....	<i>John White.....</i>	“
“ W. R.....	<i>James Brown.....</i>	“
Huron, N. R.....	<i>Joseph Whitehead.....</i>	Clinton.
“ S. R.....	<i>M. C. Cameron.....</i>	Goderich.
Kent.....	<i>Rufus Stephenson.....</i>	Chatham.
Kingston, City.....	<i>Hon. Sir J. A. Macdonald, K.C.B.....</i>	Ottawa.
Lambton.....	<i>Alex. Mackenzie.....</i>	Sarnia.
Lanark, N. R.....	<i>Hon. W. McDougall.....</i>	Ottawa.
“ S. R.....	<i>Alex. Morris.....</i>	Perth.
Leeds & Grenville, N. R.....	<i>Francis Jones.....</i>	Kemptville.
Leeds, S. R.....	<i>John Crawford.....</i>	Toronto.

THE HOUSE OF COMMONS.—*Continued.*

PROVINCE OF ONTARIO.—*Con.*

<i>Constituencies.</i>	<i>Members.</i>	<i>Post Office Address.</i>
Lennox.....	<i>R. J. Cartwright.....</i>	Kingston.
Lincoln	<i>T. R. Merrit.....</i>	St. Catherines.
London, City	<i>Hon. John Carling.....</i>	London.
Middlesex, N. R.....	<i>Thos. Scatcherd.....</i>	"
“ E. R.....	<i>Crowell Willson.....</i>	"
“ W. R.....	<i>A. P. Macdonald.....</i>	Glencoe.
Monck.....	<i>L. McCallum.....</i>	Stromness.
Niagara, Town.....	<i>Angus Morrison.....</i>	Toronto.
Norfolk, N. R.....	<i>A. Walsh.....</i>	Simcoe.
“ S. R.....	<i>P. Lawson.. . . .</i>	Port Dover.
Northumberland, E. R.	<i>Joseph Keefer.....</i>	Colborne.
“ W. R.....	<i>Hon. J. Cockburn.....</i>	Cobourg.
Ontario, N. R.....	<i>J. H. Thompson.....</i>	Cannington
“ S. R.....	<i>Thos. N. Gibbs.....</i>	Oshawa.
Ottawa, City.....	<i>Jos. M. Currier.....</i>	Ottawa.
Oxford, N. R.....	<i>T. Oliver.....</i>	Woodstock.
“ S. R.....	<i>E. V. Bothwell.....</i>	Ingersoll.
Peel	<i>Hon. J. Cameron.....</i>	Toronto.
Perth, N. R.....	<i>J. Redford.....</i>	Stratford.
“ S. R.....	<i>R. Macfarlane.....</i>	"
Peterboro', E. R.....	<i>P. M. Grover.....</i>	Norwood.
“ W. R.....	<i>Chas. Perry.....</i>	Peterboro'.
Prescott	<i>Albert Hagar.....</i>	Plantagenet.
Prince Edward.....	<i>Walter Ross.....</i>	Picton.
Renfrew, N. R.....	<i>Hon. Sir F. Hincks.....</i>	Ottawa.
“ S. R.....	<i>J. L. Macdougall.....</i>	Ottawa.
Russell.....	<i>J. A. Grant, M.D.....</i>	Ottawa.
Simcoe, N. R.....	<i>T. D. McConkey.....</i>	Barrie.
“ S. R.....	<i>W. C. Little.....</i>	Allendale.
Stormont	<i>Samuel Ault.....</i>	Aultsville.
Toronto, E.....	<i>James Beaty.....</i>	Toronto.
“ W.....	<i>R. A. Harrison.....</i>	"
Victoria, N. R.....	<i>John Morison.....</i>	Woodville.
“ S. R.....	<i>G. Kempt.....</i>	Lindsay.
Waterloo, N. R.....	<i>I. E. Bowman.....</i>	St. Jacob's.
“ S. R.....	<i>J. Young.....</i>	Galt.
Welland	<i>T. C. Street.....</i>	Chippewa.
Wellington, N. R.....	<i>G. A. Drew.....</i>	Elora.
“ S. R.....	<i>D. Stirton.....</i>	Guelph.
“ C. R.....	<i>Jas. A. Ross.....</i>	Cumnock.
Wentworth, N. R.....	<i>J. McMonies.....</i>	Wartterdown.
“ S. R.....	<i>Joseph Rymal.....</i>	Barton.
York, E. R.....	<i>James Metcalf.....</i>	Toronto.
“ N. R.....	<i>James P. Wells.....</i>	King.
“ W. R.....	<i>Amos Wright.....</i>	Richmondville.

THE HOUSE OF COMMONS.—*Continued.*

PROVINCE OF QUEBEC..

<i>Constituencies.</i>	<i>Members.</i>	<i>Post Office Address.</i>
Argenteuil.....	<i>Hon. J. J. C. Abbott.</i>	Montreal.
Bagot.....	<i>P. S. Gendron.....</i>	St. Rosalie.
Beauce.....	<i>C. H. Pozer.....</i>	Quebec.
Beauharnois	<i>M. Cayley.....</i>	Beauharnois.
Bellechasse... ..	<i>T. Fournier.....</i>	Quebec.
Berthier	<i>C. H. Paquet.....</i>	St. Cuthbert.
Bonaventure	<i>T. Robitaille.....</i>	New Carlisle.
Brome.....	<i>Hon. C. Dunkin</i>	Knowlton.
Chambly.....	<i>B. Benoit</i>	St. Hubert.
Champlain.....	<i>Hon. J. J. Ross.....</i>	St. Ann de la Pêrade.
Charlevoix.....	<i>S. X. Cimon.....</i>	Malbaie.
Chateauguay.....	<i>Hon. L. H. Holton.....</i>	Montreal.
Chicoutimi&Saguenay	<i>P. A. Tremblay.....</i>	Chicoutimi.
Compton.....	<i>J. H. Pope.....</i>	Cookshire.
Dorchester.....	<i>Hon. H. L. Langevin, C.B.</i>	Quebec.
Drummond & Artha- baska.....	<i>L. A. Senecal.....</i>	Pierreville.
Gaspé	<i>P. Fortin.....</i>	Quebec.
Hochelaga	<i>Hon. A. A. Dorin.....</i>	Montreal.
Huntingdon	<i>J. Sriver.</i>	Hemmingford.
Iberville.....	<i>Francois Bechard.....</i>	Iberville.
Jac. Cartier.....	<i>G. G. Gaucher.....</i>	Ste. Geneviève.
Joliette	<i>F. B. Godin.....</i>	Joliette.
Kamouraska.	<i>C. A. P. Pelletier.....</i>	Quebec.
Laprairie	<i>A. Pinsonneault.....</i>	Laprairie.
L'Assomption.....	<i>Hon. L. Archambault.....</i>	L'Assomption.
Laval.....	<i>J. H. Bellerose.....</i>	St. Vincent de Paul.
Levis	<i>Hon. J. G. Blanchet.....</i>	Levis.
L'Islet	<i>B. Pouliot.....</i>	L'Islet.
Lotbiniere	<i>H. G. Joly.....</i>	Quebec.
Maskinonge	<i>G. Caron.....</i>	St. Léon.
Megantic	<i>Hon. Geo. Irvine.....</i>	Quebec.
Missisquoi	<i>Geo. B. Baker.....</i>	Cowansville.
Montcalm	<i>Jos. Dufresne.....</i>	St. Julienne.
Montmagny.	<i>Hon. J. O. Beaubien.....</i>	Montmagny.
Montmorency	<i>J. Langois.....</i>	Quebec.
Montreal Centre.....	<i>Thos. Workman.....</i>	Montreal.
“ East.....	<i>Hon. Sir George E. Car- tier, Bart.....</i>	“
“ West.....	<i>M. P. Ryan.....</i>	“
Napierville	<i>Sixte Coupal.....</i>	Lacolle.
Nicolet	<i>Jos. Gaudet.....</i>	Gentille.
Ottawa Co.....	<i>A. Wright.....</i>	Ironside, Hull.
Pontiac.....	<i>Ed. Heath.....</i>	Portage du Fort.
Portneuf.....	<i>J. Brousseau.</i>	Quebec.

THE HOUSE OF COMMONS—*Continued.*

PROVINCE OF QUEBEC.—*Con.*

<i>Constituencies.</i>	<i>Members.</i>	<i>Post Office Address.</i>
Quebec Centre.....	<i>G. H. Simard</i>	Quebec.
“ East.....	<i>Adolphe Tourangeau</i>	“
“ West	<i>Hon. T. McGreevy</i>	“
“ County.....	“ <i>P. J. O. Chauveau</i> ..	“
Richmond & Wolfe...	<i>W. H. Webb</i>	Melbourne.
Richelieu	<i>J. J. Barthe</i>	Sorel.
Rimouski	<i>Geo. Sylvain</i>	Bic.
Rouville.....	<i>G. Cheval</i> ..	St. Hilaire.
St. Hyacinthe.....	<i>Louis Delorme</i>	St. Hyacinthe.
St. Johns.....	<i>F. Bourassa</i>	Lacadie.
St. Maurice.....	<i>Dr. Lacerte</i>	Yamachiche.
Shefford	<i>Hon. L. S. Huntington</i>	Waterloo.
Sherbrooke	<i>Hon. A. T. Galt</i>	Sherbrooke.
Soulanges	<i>L. H. Masson</i>	Coteau Landing.
Stanstead.....	<i>Chas. Colby</i>	Stanstead.
Temiscouata.	<i>Chas. A. Bertrand</i>	Isle Verte.
Terrebonne	<i>L. F. R. Masson</i>	Terrebonne.
Three Rivers.....	<i>Alex. McDougall</i>	Three Rivers.
Two Mountains.....	<i>J. B. Daoust</i>	St. Eustache.
Vaudreuil.....	<i>D. McMillan</i>	Rigand.
Vercheres.....	<i>F. Geoffrion</i>	Vercheres.
Yamaska....	<i>Moise Fortin</i>	St. David.

PROVINCE OF NEW BRUNSWICK.

Albert.....	<i>John Wallace</i>	Hillsboro'.
Carleton	<i>Hon. C. Connell</i>	Woodstock.
Charlotte	<i>John Bolton</i>	St Stephen.
Gloucester.....	<i>Hon. T. Anglin</i>	St. John.
Kent.....	<i>A. Renaud</i>	Buctouche.
Kings	<i>Geo. Ryan</i>	Studholm, King's Co.
Northumberland	<i>R. Hutchison</i>	Newcastle.
Queens	<i>J. Ferris</i>	Canbridge.
Restigouche	<i>Geo. Moffat</i>	Dalhousie, N. B.
St. John, County.....	<i>Hon. J. H. Gray</i>	Ottawa.
“ City	“ <i>S. L. Tilley</i>	“
Sunbury	<i>Chas. Burpee</i>	Sheffield.
Victoria.....	<i>J. Costigan</i>	Grand Falls.
Westmoreland	<i>Hon. A. J. Smith</i>	Dorchester.
York	“ <i>J. Pickard</i>	Fredericton.

THE HOUSE OF COMMONS.—*Continued.*

PROVINCE OF NOVA SCOTIA.

<i>Constituencies.</i>	<i>Members.</i>	<i>Post Office Address.</i>
Annapolis.....	<i>W. H. Ray</i>	Clemensport.
Antigonish.....	<i>Hugh McDonald</i>	Antigonish.
Cape Breton.....	<i>Hon. J. McKeagney</i>	Sydney.
Colchester.....	<i>Fred. N. Pearson</i>	Truro, N. S.
Cumberland.....	<i>Hon. C. Tupper</i>	Halifax.
Digby	<i>A. W. Savary</i>	Digby.
Guysboro	<i>Hon. S. Campbell</i>	Guysboro'.
Halifax.....	<i>A. Jones</i>	Halifax.
“	<i>P. Power</i>	“
Hants.....	<i>Hon. Jos. Howe</i>	“
Inverness	<i>H. Cameron</i>	Mabou.
Kings	<i>W. H. Chipman</i>	Cornwallis.
Lunenburg	<i>E. M. McDonald</i>	Halifax.
Pictou	<i>J. W. Carmichael</i>	New Glasgow.
Queens.....	<i>James F. Forbes</i>	Liverpool.
Richmond	<i>J. Levisconte</i>	Halifax.
Shelburne	<i>Thos. Coffin</i>	Shelburne.
Victoria	<i>Wm. Ross</i>	St. Anne's.
Yarmouth	<i>Frank Killam</i>	Yarmouth.

MANITOBA.

Provencher.....	<i>Pierre Delorme</i>	St. Norbert.
Winnipeg	<i>John Schultz</i>	Winnipeg.
Selkirk	<i>D. A. Smith</i>	Hudson's Bay House, Montreal.

DOMINION PARLIAMENTARY DEBATES

IN THE

FIFTH SESSION OF THE FIRST PARLIAMENT OF THE DOMINION OF CANADA WHICH WAS CALLED TO MEET, FOR THE DESPATCH OF BUSINESS, ON THURSDAY, THE 11TH APRIL, A.D., 1872, IN THE 35TH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

THE RIGHT HONOURABLE

LORD LISGAR,

GOVERNOR GENERAL OF THE DOMINION OF CANADA.

THE SENATE.

OTTAWA, April 11, 1872.

This day, at three o'clock, P. M., His Excellency the Governor General proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the Fifth Session of the First Parliament of the Dominion of Canada, with the following Speech from the Throne:

Hon. Gentlemen of the Senate.

Gentlemen of the House of Commons.

The auspicious recovery which the mercy of Providence vouchsafed from the well nigh mortal illness of the Prince of Wales, called forth a universal expression of joy

and thankfulness throughout the Empire. All classes of the people testified their deep sense of relief from the anxieties of a long and painful suspense by joining their beloved Queen in a public Thanksgiving which proved in vastness of attendance and unanimity of feeling the grandest and most impressive ceremony ever witnessed in the British Capital.

I invite you to follow the good example on the fifteenth day of this month.

It was thought advisable to defer the solemnity until after the meeting of Parliament, and I feel assured that the Members of the two Houses, as well as all Her Majesty's faithful subjects throughout the Dominion will be anxious to unite in celebrating the occasion with all becoming observance and loyal alacrity.

Your Meeting has itself been postponed to a later season than usual, upon considerations of Imperial as well as Colonial interest, and at the instance of Her Majesty's Government.

The young Province of Manitoba, was last September threatened with an invasion of lawless persons from the United States. Prompt measures for resistance were adopted by the local authorities and attended with the best results.

In order to reassure the people of the Province, and to prevent a recurrence of the outrage, I ordered a force of two hundred Militiamen to be sent to Fort Garry.

Notwithstanding the inclement season of the year the troops surmounted the difficulties of the march with energy and success, thus proving not only their own discipline and endurance, but also the value of the route through our own Territory.

The accounts of the expenditure occasioned by this expedition will be laid before you, and you will be requested to pass a Bill to indemnify the Government.

A copy of the Treaty made at Washington last year between Her Majesty the Queen and the United States of America, in which the Dominion has so great an interest, will be laid before you.

So much of the papers and of the completed correspondence as can be made public without injury to the interests of the Empire or of Canada, will also be at once submitted for your information, and your attention will be invited to this important subject.

A conference was held at Ottawa in September last, on the important subject of Immigration, at which the Government of the Dominion, as well as those of every Province, were represented.

A scheme for joint and several action was provisionally arranged, to which I invite your attention.

I do not doubt that you will be inclined to make ample provision for the encouragement of Immigration with the maintenance and extension of which the development of the vast natural resources of Canada is so vitally interwoven.

Since last Session the union of British Columbia with Canada has been happily consummated, and her representatives now take part in your deliberations.

In order to open up and settle the fertile Territories of the North West, and to link British Columbia therewith, it will be necessary for you to make provision for the construction of a Railway to the Pacific Ocean, in conformity with the terms of Her Majesty's Order in Council uniting British Columbia with the Dominion. An appropriation was made in the last Session for the preliminary Survey of the route for this Railway. The work has been diligently prosecuted, and a report of

the progress achieved will be laid before you.

You will, I trust, concur with me in thinking that the long contemplated improvement and extension of our system of Canals ought to be vigorously prosecuted.

The rapid increase in the trade of Canada, and the importance of competing for, and accommodating the commerce of the Great West, render it necessary that the means of transport by water should be cheapened and facilitated.

I have to request your serious consideration of this subject, and in connection with it, the expediency of providing a direct water communication between the Gulf of St. Lawrence and the Bay of Fundy.

The decennial Census having been taken last year, the duty of readjusting the representation in Parliament of the four Provinces originally constituting the Dominion devolves upon you now, according to the terms of the Union Act.

A measure for the purpose will accordingly be submitted for your consideration.

Among other measures, Bills will be presented to you relating to the Judges of Superior Courts—to the regulation and management of the public lands and mines of the Dominion in Manitoba and the North West Territories, and for the amendment of the laws relating to the public health.

Gentlemen of the House of Commons :

The accounts of the past year will at once be laid before you, and likewise a statement of the receipts and expenditure of the current year, up to the close of the last month.

It is gratifying to me to be able to announce to you that the revenue for the past, as well as that for the current year, will be considerably in excess of what was estimated, and that consequently there is no reason to apprehend embarrassment from the immediate commencement of the contemplated public improvements.

The estimates for the ensuing year will be submitted to you, and I trust that you will be of opinion that the supplies which my Government will ask you to vote for the service of Her Majesty can be granted without inconvenience to her Canadian subjects.

Hon. Gentlemen of the Senate :

Gentlemen of the House of Commons :

I have all the more satisfaction in recurring to your counsel and assistance at this period, inasmuch as I may congratulate you on the general prosperity of the

country, and the fortunate issue of the steps taken to unite and consolidate the vast territories which now form the Dominion.

I feel assured that you will continue to devote the same assiduity as in the past to the augmented labours, which the exigencies of more numerous constituencies and a wider sphere of operations demand at your hands, and I earnestly pray that your efforts in the path of duty may be so happily guided as to maintain peace and justice in all the borders of the land, and ensure the happiness and lasting welfare of all classes of its inhabitants.

The following Senators were introduced and took the usual oaths:

Hon. Messrs. Sutherland, Macdonald, Carrall, Cornwall, and Girard.

Hon. Mr. CAMPBELL introduced a Bill *pro forma*.

A Return of Baptisms was laid on the table.

LIBRARY OF PARLIAMENT.

Mr. SPEAKER laid before the House, the Report of the Librarian of the House of Commons, on the state of the Library of Parliament.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, April 11, 1872.

The Commons having returned to their own Chamber, Mr. Speaker resumed the Chair.

The following members were introduced, and took their seats: Hon. Mr. Pope, of Compton; Mr. Nathan, of Victoria, British Columbia; Mr. Carter, of Brome, Province of Quebec; Mr. Wallace, of Vancouver's Island; Mr. Thompson, of Cariboo; Mr. Houghton, of Yale Kootenay District, British Columbia; Mr. De Cosmos, British Columbia; and Mr. Nelson, of New Westminster.

PRELIMINARY PROCEEDINGS.

Resolved, That the Votes and Proceedings of the House be printed, being first perused by Mr. Speaker, and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same.

Resolved, That Select Standing Committees of this House for the present Session be appointed for the following purposes: 1. On Privileges and Elections.—2. On

Expiring Laws.—3. On Railways, Canals and Telegraph Lines.—4. On Miscellaneous Private Bills.—5. On Standing Orders.—6. On Printing.—7. On Public Accounts.—8. On Banking and Commerce.—9. On Immigration and Colonization,—which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon; with power to send for persons, papers and records.

Resolved, 1st.—That if anything shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in Debate; and all members returned upon double Returns are to withdraw until their Returns are determined.

Resolved, 2nd.—That if it shall appear that any person hath been elected or returned a Member of this House, or hath endeavored so to be, by bribery or corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

Resolved, 3rd.—That the offer of any money or other advantage to any Member of the House of Commons, for the promoting of any matter whatsoever, depending or to be transacted in the Parliament of the Dominion of Canada, is a high crime and misdemeanor, and tends to the subversion of the Constitution.

Hon. Sir JOHN A. MACDONALD moved, seconded by Sir GEORGE E. CARTIER, that the Speech from the Throne be taken into consideration tomorrow.

Hon. Mr. MACKENZIE desired to be informed if it were the intention of the Government to lay before the House the promised correspondence relative to the Treaty of Washington before the House proceeded to take into consideration the speech from the Throne.

Hon. Sir J. A. MACDONALD: It is not.

Hon. Mr. MACKENZIE said: The speech from the Throne had promised that the desired-for correspondence should be presented for the consideration of the House. The speech inferred that the House should discuss the treaty, and now the House was asked to discuss the treaty without having the papers before it.

Hon. Sir J. A. MACDONALD.—Discussions on Addresses from the throne were things of the past. In England such addresses were not now discussed. In the

House of Commons in England it was customary to adopt the Address unless it was intended to move a vote of want of confidence.

Hon. Mr. HOLTON.—If the leader of the House desired to follow English precedent he should proceed with the discussion of the Address at once. Such was the practice in England. Such a course was desirable, considering the late period at which the House had been called together and it would save much expense to the country.

Hon. Mr. MACKENZIE asked what steps the Government intended to adopt with regard to a return which had been brought before the House, last session, in which it was shown that two members from a Manitoba constituency, had been returned by the same number of votes, and the Government had promised to have a commission appointed to investigate the matter. The result had been that owing to the negligence of the Government, the constituency was not represented at all.

Hon. Sir G. E. CARTIER explained. The same course had been pursued as would have been followed under the rules adopted for regulating such matters in the former Province of Canada. The hon. member for Lambton had not stated matters fairly or the facts correctly. In Manitoba there was, at the period alluded to, no law in regard to contested elections, and there was no other course than to follow the enactment applying to the late Province of Canada. The matter had been referred to the Committee on Privileges and Elections, and the House could not do anything in the matter before that Committee had reported, a report being rendered impossible by the absence of members of the Committee on the other side of the House.

Hon. Mr. MACKENZIE—The hon. gentleman had no doubt stated a part of the circumstances correctly; but he must bear in mind that he was then acting as the leader of the House, and must accept the responsibility attaching to that position. It was very improper that in so young a Province one seat should be now unrepresented.

Hon. Sir GEO. E. CARTIER said that the fault was entirely that of the other side of the House. The members of the Election Committee on that side had refused to act, and therefore the injustice complained of.

Hon. Mr. BLAKE—The memory of the Minister of Militia seems to be failing him. He (Mr. Blake) during the last days of

Hon. Sir J. A. Macdonald.

the previous session had suggested that steps should be taken to have the seats filled. It was the duty of Parliament to take such steps, and if there were no quorum of the Committee on Elections and Privileges, certainly the Opposition were not to blame for that. It had been referred to a Committee of the House simply to be burked, and Ministers being omnipotent had burked it accordingly.

Hon. Sir GEO. E. CARTIER was reading from the journals of the House in reference to the action taken in the case of the elections of Lisgar and Provencher, when he was called to order by

Hon. Mr. MACKENZIE, who observed that the discussion had no reference whatever to that subject.

Hon. Sir GEO. E. CARTIER hoped that the honorable member for Lambton would not try to confuse him. The question now stood in precisely the same condition as it did last session.

Hon. Mr. HOLTON—The Minister of Militia has admitted that he wished the matter to be referred to the Committee on Privileges and Elections, but he had failed to have it so referred, and was therefore blameable.

Hon. Sir GEO. E. CARTIER said that the returns had been made up in such a way as to be no returns at all.

The discussion here came to an end.

Hon. Sir JOHN A. MACDONALD moved, seconded by Hon. Mr. MACKENZIE, that when the House adjourns to-morrow it stand adjourned until Tuesday next, in order to afford the members an opportunity of joining in the celebration of the public thanksgiving on account of the recovery of His Royal Highness the Prince of Wales.

The motion was unanimously carried.

The House adjourned at 4.20 p.m.

SENATE.

FRIDAY, 12th April, 1872.

The SPEAKER took the Chair at three o'clock.

NEW MEMBER.

Hon. Mr. KAULBACK was introduced and took his seat after having gone through the usual formalities.

RETURNS.

The SPEAKER laid on the table the Librarian's Report for the present year.

Also a return of Baptisms and Burials for the several districts,

MOTION.

Hon. Mr. CAMPBELL moved that when the House adjourn it stand adjourned until Tuesday next, in order to give members an opportunity of assisting in the Thanksgiving for the recovery of the Prince of Wales. He also stated that he would move an address of congratulation to Her Majesty on the same subject.

ANSWER TO THE SPEECH.

Hon. Mr. GIRARD, in proposing the answer to the Address, expressed the peculiar pleasure he felt, as one of the inhabitants of the distant Province of Manitoba, in giving his approval to the sentiments contained therein. He made special reference to the illness of H. R. H. the Prince of Wales, the news of which had been read with the deepest regret by the people of the North West. He need not give the House the assurance that no portion of the people of Canada sympathized more deeply with Her Majesty, or felt greater satisfaction at the recovery of the Prince than the inhabitants of that little Province in the far Western wilderness. He could not too highly approve of the reference in the Speech to Manitoba, where the people were deeply attached to British institutions and had no other desire than to give them their support, and preserve and strengthen the connection with the Dominion. He was perfectly satisfied with the manner in which the Government of Canada had acted towards that Province, and had no doubt that they would do their best to develop its resources. He had read with interest that paragraph in the Speech which referred to the Treaty of Washington, and for one would be happy to give the question that consideration which its importance required. He had no doubt that the efforts of the Government to promote immigration would have happy results to the prosperity of the Confederation. He heard with satisfaction the announcement from the Throne that the Government intended using their best efforts to construct such public works as were necessary for the development of the great resources of this country, and he hoped that the time was not far distant when the locomotive would pass through the Province of Manitoba on its way to the Pacific coast. The prosperous condition of the finances, and the Dominion generally, was to every one a subject of congratulation, and he was convinced that we had

every reason to look to the future with hopefulness. With these remarks he asked permission to move the following resolution for an Address to His Excellency the Governor General in answer to his speech from the Throne :

"That the following Address be presented to his Excellency the Governor General, to offer the respectful thanks of this House to His Excellency, for the gracious Speech which His Excellency has been pleased to make to both Houses of Parliament, namely :

To His Excellency the Right Honorable JOHN, BARON LISGAR, of Lisgar and Ballieborough, in the County of Cavan, Ireland, in the Peerage of the United Kingdom of Great Britain and Ireland, and a Baronet, one of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor General of Canada, and Governor and Commander-in-Chief of the Island of Prince Edward.

May it Please Your Excellency :

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, respectfully thank Your Excellency for your gracious speech at the opening of this Session.

We agree with Your Excellency that the auspicious recovery which the mercy of Providence vouchsafed from the well nigh mortal illness of the Prince of Wales, called forth a universal expression of joy and thankfulness throughout the Empire, and that all classes of the people testified their deep sense of relief from the anxieties of a long and painful suspense, by joining their beloved Queen in a public Thanksgiving, which proved in vastness of attendance and unanimity of feeling the grandest and most impressive ceremony ever witnessed in the British Capital.

We thank Your Excellency for inviting us to follow the good example on the fifteenth day of this month. We are glad that it was thought advisable to defer the solemnity until after the meeting of Parliament ; and we assure Your Excellency that the members of this House will be anxious to unite with all Her Majesty's faithful subjects throughout the Dominion in celebrating the occasion with all becoming observance and loyal alacrity.

We thank Your Excellency for informing us that our meeting has itself been postponed to a later season than usual, upon considerations of Imperial as well as Colonial interest, and at the instance of Her Majesty's Government.

We learn with regret that the young Province of Manitoba was, last September, threatened with an invasion of lawless persons from the United States. But we are happy to be informed that prompt measures for resistance were adopted by the local authorities, and attended with the best results; that in order to reassure the people of the Province, and to prevent a recurrence of the outrage, Your Excellency ordered a force of two hundred militiamen to be sent to Fort Garry; and that, notwithstanding the inclement season of the year, the troops surmounted the difficulties of the march with energy and success, thus proving not only their own discipline and endurance, but also the value of the route through our own territory.

We thank Your Excellency for the promise that the accounts of the expenditure occasioned by this expedition will be laid before us, and we will give our most attentive consideration to the Bill to indemnify the Government which Your Excellency has been pleased to inform us we shall be requested to pass.

We are grateful also to Your Excellency for the intimation that a copy of the Treaty made at Washington last year between Her Majesty the Queen and the United States of America, in which the Dominion has so great an interest, will be laid before us, and that so much of the papers and of the completed correspondence as can be made public without injury to the interests of the Empire or of Canada will also be at once submitted for our information; and we will respond to Your Excellency's invitation by giving our best attention to this important subject.

We rejoice to learn from Your Excellency that a conference was held at Ottawa in September last, on the subject of Immigration, at which the Government of the Dominion, as well as those of every Province, were represented; and that a scheme for joint and several action was provisionally arranged, to which Your Excellency is pleased to invite our attention. We shall be well inclined to make ample provisions for the encouragement of Immigration, with the maintenance and extension of which the development of the vast natural resources of Canada is so vitally interwoven.

It gives us great pleasure to be officially informed by Your Excellency that since last Session the union of British Columbia with Canada has been happily consummated, and that her representatives now take part in our deliberations.

We thank Your Excellency for recalling our attention to the fact that in order to

open up and settle the fertile Territories of the North West, and to link British Columbia therewith, it will be necessary for Parliament to make provision for the construction of a Railway to the Pacific Ocean, in conformity with the terms of Her Majesty's Order in Council, uniting British Columbia with the Dominion, and for reminding us that an appropriation was made in the last Session for the preliminary Survey of the route for this Railway; and we are glad to learn from Your Excellency that the work has been diligently prosecuted, and that a report of the progress achieved will be laid before us.

We concur with Your Excellency in thinking that the long contemplated improvement and extension of our system of Canals ought to be vigorously prosecuted, and that the rapid increase in the trade of Canada, and the importance of competing for and accommodating the commerce of the Great West, render it necessary that the means of transport by water should be cheapened and facilitated. As requested by Your Excellency we will give our serious consideration to this subject, and in connection with it to the expediency of providing a direct water communication between the Gulf of St. Lawrence and the Bay of Fundy.

The decennial Census having been taken last year, and the duty of re-adjusting the representation in Parliament of the four Provinces originally constituting the Dominion, having devolved upon Parliament now, according to the terms of the Union Act, we shall not fail to give our best attention to the measure for the purpose which Your Excellency is pleased to inform us will be submitted for our consideration.

Our attentive consideration will also be given to the Bills relating to the Judges of Superior Courts, to the regulation and management of the Public Lands and Mines of the Dominion in Manitoba and the North West Territories, and for the amendment of the laws relating to the Public Health, which Your Excellency has also been pleased to say will be presented to us, among other measures.

We are grateful to Your Excellency for the expression of your satisfaction in recurring to our counsel and assistance at this period; and we beg leave to reciprocate Your Excellency's congratulations on the general prosperity of the country, and the fortunate issue of the steps taken to unite and consolidate the vast territories which now form the Dominion.

Your Excellency may rest assured that we shall continue to devote the same as-

Mr. Girard.

siduity as in the past to the augmented labors which the exigencies of more numerous constituencies and a wider sphere of operations demand at our hands; and we unite with Your Excellency in earnestly praying that our efforts in the path of duty may be so happily guided as to maintain peace and justice in all the borders of the land, and ensure the happiness and lasting welfare of all classes of its inhabitants.

Hon. Mr. ROBERTSON, said in seconding the Address, that it was not necessary that he should detain the House at any length after the very eloquent remarks that had fallen from the gentleman who had preceded him. He might say at the outset that he thought the House might safely assume that the people of the Dominion had great cause for thankfulness when they considered the state of Canada as a whole. There was one subject on which there could be no difference of opinion—namely, the auspicious recovery of His Royal Highness the Prince of Wales, which was a subject for rejoicing to the people of every part of the British Empire. The state of the finances was exceedingly satisfactory, and he had no doubt that with judicious management there would be no necessity for increasing the burthens of the people of the Dominion. The revenue of the country appeared to be perfectly sufficient at the present time, not only for the ordinary expenses of the Dominion generally, but for the purpose of extending and improving the communications of the Dominion by means of Canals and Railways. He hoped that the scheme for the encouragement of Immigration would lead to the early settlement of our newly acquired possessions, and no effort should be wanting to carry out this object so indispensable to the progress of a young country.

Hon. Mr. LETELLIER DE ST. JUST said that it was not his intention to provoke discussion after the remarks that had fallen from the two gentlemen who had just resumed their seats. He congratulated the House on the presence of the members from Manitoba and British Columbia, and there could be no doubt in the minds of any one that they would render very valuable assistance to the work of legislation. He was confident that the remarks made by the hon. gentleman from Manitoba—that the people were deeply attached to British institutions—were heard with peculiar satisfaction by the House, and would be read with pleasure by the people of the whole Dominion, who had no other desire

than to see that section peaceful and prosperous. He hoped that whenever the Government took measures for connecting Canada with British Columbia, they would adhere to the resolution they had brought up in the other branch—that the line should be constructed, not at the expense of the Dominion, but through the agency of companies (hear, hear, from Ministerial benches). In conclusion he expressed his hope that the Government—and he referred especially to the Minister for Marine and Fisheries—would take speedy measures to improve the navigation of the St. Lawrence, so as to prevent such casualties as occurred last year.

Hon. Mr. DICKEY said that since no controversial discussion had arisen it would be a breach of Parliamentary etiquette and propriety to make any lengthy remarks. He did not intend to make a speech, but simply wished to express the satisfaction he felt as a representative of Nova Scotia to find that the Government intended opening up water communication between the Bay of Fundy and the Gulf of St. Lawrence—a scheme in which he had always taken the deepest interest and had done his best to promote under the conviction that it would be a great benefit to the whole country.

In answer to Hon. Mr. BUREAU,

Hon. Mr. CAMPBELL stated that the papers relative to the Treaty would be laid on the table at the same time they were submitted to the Commons, though he could not state the exact day; and there would be ample opportunity given for discussion.

The Address was adopted.

Hon. Mr. CAMPBELL moved, seconded by Hon. Mr. MITCHELL, that the said Address be presented to His Excellency by such members as are members of the Privy Council. Carried.

The House then adjourned until Tuesday at 3 o'clock.

HOUSE OF COMMONS.

FRIDAY, 12th April, 1872.

The SPEAKER took the Chair at a $\frac{1}{4}$ to 4 p. m.

RETURNS.

Mr. SPEAKER laid before the House,—General Statements and Returns of Baptisms, Marriages and Burials, in the Districts of Joliette, Montmagny, Kamouraska, Quebec, and Bedford, for the year

1871,—and Supplementary Statement and Return of Bedford for the year 1870.

Also,—Lists of Shareholders of the Bank of Yarmouth, Nova Scotia, on the 23rd January, 1872,—and of the Bank of British North America on the 1st January, 1872, in conformity with Act 34 Victoria, Chapter 5, Section 12

NEW MEMBER.

Mr. CUMBERLAND, the newly elected member for Algoma was introduced by the Hon. Sir John A. Macdonald and the Hon. Sir Francis Hincks, and took his seat.

THE ADDRESS.

Mr. NATHAN (of Victoria, British Columbia): I have the honor to move an Address in reply to the speech of His Excellency the Governor General, which Address, I feel convinced, will commend itself to every member of this House. In being entrusted with the duty of moving this Address, I fully appreciate the compliment that has been paid the Province to which I belong, and in performing the duty, I crave that indulgence which this House is accustomed to accord to those who address it for the first time. The recovery of His Royal Highness the Prince of Wales must necessarily be a matter of congratulation to every loyal Canadian, and the demonstrations of joy and thanksgiving that have been evinced by British subjects throughout the world cannot fail of awakening pleasurable feelings in the breasts alike of her most Gracious Majesty, H. R. H. the Prince, and all the Royal Family. It will be our duty on Monday to assist in giving formal expression to the sense of gratitude of the Canadian people to the Almighty for the great mercy he has vouchsafed us, and I feel convinced that in no part of Her Majesty's Empire will there have been a stronger or more sincere demonstration of joy than here. We fully appreciate the necessity of the postponed meeting of Parliament, in view of the existence of grave considerations justifying that course. Again, since the last meeting of the House, has the peace of the country been disturbed by a threatened invasion of lawless individuals from the neighboring Republic. Thanks, however, to the promptness of the Government and the friendly action of the United States authorities, the evil was averted. The facility offered by the vast extent and scattered population of this country, to evilly disposed persons, to enter upon such nefarious undertakings would appear to call for measures of protection at

vulnerable points, and more particularly would this appear to be the case at Fort Garry, where a body of militia should be retained to watch the safety of the community. On the occasion I had referred to, as well as on previous occasions of a similar nature, the Canadian soldier had upheld his character for courage and endurance. Although circumstances prevented them meeting the disturbers of the tranquillity of their country face to face, their discipline and energy were fully proved by their successfully overcoming the obstacles of a march to Manitoba, through such a difficult country and at a most inclement season of the year, in so short a period. I am sure I only re-echo the feelings of all Canadians when I say that no reasonable expenditure on the part of the Government will be begrudged in defending the country from those outrages, and that the expenses that have been incurred in connection with the case in question, will be cheerfully voted. I trust that the marked and ignominious failures of all the efforts these filibusters have yet made, will deter them from making any further attempts in the same direction. We are glad to be informed that the Treaty of Washington which touched upon affairs of so much interest to this Dominion will be laid before the House, and that other communications bearing upon this important subject will be presented for our consideration, and I doubt not that the action taken will be that best calculated to conserve the true interests of the country. It must be universally gratifying to learn from His Excellency's speech that so many subjects likely to promote our best interests have received that attention which their importance demands, not the least of which is the question of Immigration. It is most satisfactory to know that a scheme for the encouragement of that movement will be laid before the House which will doubtless have the effect of attracting a larger share of European emigration to these shores than has hitherto reached us, and which will help to populate this large Dominion extending from ocean to ocean, and capable of supporting so many millions of souls. Money devoted to such an object cannot be more advantageously invested — for population only is needed to make this Dominion one of the richest countries in the world. The admission of British Columbia must also be a subject of congratulation to this House. By confederation with that Province you have secured a territory of 220,000 square miles, a land rich in metals, rich in coal, rich in timber, rich in fish, whose valleys

Mr. Nathan.

are natural pastures. A country that, with its enormous resources, must ere long take its stand amongst the foremost Provinces of the Dominion. Apart from the natural, the inherent wealth of the Province, you have, by this connection, secured an outlet for commerce on the Pacific seaboard, which must afford incalculable advantages, and moreover such a measure was necessary as one of the steps in forming a compact nation out of a number of disunited Provinces, which, with adverse interests, and with local prejudices and no machinery for counter-acting these prejudicial influences, would never have commanded attention and respect, or gained that degree of prosperity which to-day characterized the Dominion. I need not say the House is fully prepared to make provision for the construction of the Canadian Pacific Railway, in accordance with the terms of union with British Columbia, as it is in fact a work of vital importance to the welfare of the Dominion. Among the many advantages we may expect from the building of that road is the populating of the Great North-West, a country surpassing any on the continent as a wheat-producing district, and the giving to that fertile land markets both on the Atlantic and Pacific shores of this continent. It will further offer us the means of competing for, and probably securing, the bulk of the trade between Europe and Asia, which must bring to the Dominion great accession of wealth, and so enable her to occupy the place to which she is entitled by her vast territory and favorable geographical position. It is a source of gratification to learn that the preliminary survey of this road has been vigorously prosecuted. The extension of the canal system was a work of great importance, as well as a question of settling public lands in Manitoba and the North West Territory. The increase of the revenue of the Dominion was a matter for congratulation, indeed such increase was the best index of the general prosperity of the Dominion, for which the country was not a little indebted to the financial policy of the Government (hear, hear.) It was highly gratifying to know that the work of consolidating the various Provinces had been carried out in a constitutional manner.

The honorable gentleman resumed his seat amid hearty applause.

MR. CARTER—In rising to second the Address, said—it would be impossible to find in the history of any Colonial Legislature that subjects of greater importance than those alluded to in His Excellency's

speech has been submitted for consideration. Of the many important subjects alluded to I believe there is not one which commends itself more warmly and strongly to honorable members than the reference which has been made to the recovery of H. R. H. the Prince of Wales and the appointment of a day of thanksgiving. All parties, without distinction as to nationality, religion, or political creed, will give a hearty response to the words of His Excellency. We should feel it our duty to return our thanks that it has pleased Providence to avert the threatened danger, and to restore to health the heir to the British Throne. The next paragraph in the speech alludes to the postponement of the meeting of Parliament, and I have no doubt, Mr. Speaker that we shall find that the delay was prompted by a desire to serve the best interests of the country. The recent invasion of the young Province of Manitoba by lawless persons from the United States is next referred to, and we have reason to congratulate the country on the prompt and successful measures for resistance taken by the local authorities, and by the Government in sending aid to the inhabitants of the Province in order to prevent any recurrence of similar troubles. To the volunteers themselves too much praise cannot be given for the prompt and efficient manner in which they discharged their duty at a season of the year when it was considered almost impossible for them to surmount the difficulties of a march to Fort Garry. The importance of the Treaty of Washington cannot be overrated. We must look back to the time anterior to the events which took place, and which resulted in the appointment of the High Commission. There was a great feeling of anxiety in the country owing to the unsettled state of the relations between England and the United States. Fortunately the clouds of war which threatened us have been dispersed, and the effect has been a quietening of the public mind and a restoration of the trade of the country. It would be premature to enter into a discussion of the details, the time for that will be when the papers are brought down. It is evident, however, from the manner in which the treaty was framed that England had every desire to extend her protection to Canada, and to sustain us in our undoubted rights, and I think that we have reason to congratulate ourselves that Her Majesty should have selected as Commissioner that distinguished statesman, Sir John A. Macdonald. The subject of immigration is

of such vast importance, and so intimately connected with the development of the country and its resources, that it should command the earnest attention of the Government. In connection with the extension of our canal system the construction of a Pacific Railway and other public works, this question must also be considered of great importance. With reference to the recent acquisition of British Columbia, I think that I am expressing the feelings of all when I say that we have reason to congratulate ourselves upon the event, and that we have now among us representatives of that distant Province. From the statements made to us by the gentleman who so ably moved the Address, we cannot doubt that the acquisition of British Columbia is of such vast importance to the New Dominion, that it will well repay any outlay by the country in carrying out the projected Pacific Railway (hear, hear). As to the finances of the country, it must be gratifying to all to know that our resources are such as to enable us to meet without embarrassment all the claims to be made upon us for the great public improvements foreshadowed in His Excellency's speech. It is a strong evidence of the great advantages that we derive from Confederation — advantages, I may say that were scarcely anticipated. I entertain no doubt that if these improvements are carried out we shall be able to assume the proud position of being considered a great Nationality, but still retaining our connection with the British Crown, to shine as one of its brightest jewels in time of peace, and be a source of strength in time of war.

Hon. Mr. MACKENZIE, on rising, congratulated the young members who had moved and seconded the address, and welcomed them to the House. The admission of British Columbia into the Union was to him a matter of sincere congratulation, as he believed it to be in the interest of the entire Dominion that all branches of the British family on the continent should be united under the same form of Government. He referred to the statements made at the recent elections in British Columbia that the Opposition in the House were hostile to the union of that Province with the Dominion, but their only hostility had been to the proposition to impose conditions on that union altogether impossible of performance. He then referred to the delay that had occurred in calling the House together, complaining that no single reason had been given for such delay. They were told that Government had received in-

structions from England not to call Parliament together earlier, but he questioned whether, if there were such instructions they had not been issued at the instance of hon. gentlemen opposite and to suit their own views. He complained that for reasons which would probably prove to be of the most trivial nature, the members of that House should be obliged to attend at a time in every way so inconvenient. The hon. gentleman who had seconded the Address had said that the speech was remarkable for the great measures it foreshadowed, but he (Mr. Mackenzie) really could not see what those measures were. In his view it was rather remarkable for the omission of important measures that ought to have been foreshadowed. In fact it would seem that if they wanted to obtain the policy of the Government they must look to newspapers and pamphlets instead of to the speech from the Throne. One member of the Government had stated in Montreal that the Government had determined upon deepening Lake St. Peter, but there was no mention of this in the speech. Then again before they had had time to develop the resources of the country under the present order, they found another Cabinet Minister discussing in public the question of entire separation from the Mother Country. Stating that he referred to the address of the Secretary of State for the Provinces made in Ottawa, he quoted some of his remarks, which he characterised as the most extraordinary language ever used by a Minister of the Crown, and as utterly unwarranted. The hon. gentleman had appeared to think that the American people were a mere horde of savages ready to pounce on Canada on the first opportunity, but he believed that the sense of law and justice which pervaded the minds of the great mass of public men in America was such as would enable Canada to rest in perfect security. The hon. gentleman, however, seemed to anticipate something different. If he and his colleagues had grounds for doing so, and if their policy was separation and independence, let them say so, and he would challenge them to the issue. He thought it would be far more becoming in ministers to bend their energies to the building up of the country, the increasing of its population by immigration, and the raising of it to as high a standard as possible in the world, instead of pointing out its defenceless state. If, as would appear, the Government had views of some such separation let them bring down their policy. He then referred to the speech of the member

Mr. Carter.

for North Lanark, lately delivered at Hamilton, and said it seemed a very notable instance of extremes meeting to find that member of the same mind with the Secretary of State for the Provinces. The member for Lanark had also referred to utterances of persons in England, but such utterances being made by irreponsible people were of small consequence, and until the Imperial Government evinced the disposition to act in the manner suggested, he did not think the question should be discussed. Referring to the Treaty of Washington, the member from Brome had spoken of the very great credit which it reflected on the distinguished statesman who represented Canada, but that gentleman would find that there was a very great diversity of opinion on that subject, and that probably a majority of the House took a very different view. He might say that the *London Times* had said in speaking of the proposition to appoint a new commission, that a new Commission might be appointed, but certainly not with the same Commissioners, and he thought that whatever allowances might be made for British statesmen coming out to deal with Canadian questions, no such excuse could be made for the Commissioner who had represented that House. The Secretary of State for the Provinces in his lecture had termed the Treaty a Comedy of Errors, and another minister had stated at Quebec, that when it was seen that there was an intention to give up the fisheries for the small consideration mentioned in the Treaty, the Government protested energetically, but that the British Government, nevertheless, instructed the Commissioners to sign the Treaty. The instructions of the Imperial Government, however, never contemplated all the Commissioners signing the Treaty, and he scarcely understood how the "distinguished statesman" could claim much credit if he signed a treaty of which he did not approve. Another omission from the speech he referred to, as the claims of New Brunswick, which were now being brought forward. He referred to the manner in which Nova Scotia had been treated as having been the means of opening the way for complaints from other Provinces, and claimed that if the proposition of his side of the House had been accepted, there would have been no opportunity for re-opening these questions. They were told by Commissioners from New Brunswick who had visited Ottawa that the Government had given them every reason

to believe that their demands would be fairly and justly considered, and some accommodation made, and yet there was no mention of this in the Speech. He supposed Quebec would come next, and it would never do for Ontario to lag behind. Either the gentlemen from New Brunswick had been deceived by the Government, or the Government were deceiving the House. He then referred to the absence of laws for trying controverted elections in Manitoba, or for securing purity of election, and complained that these matters were not mentioned in the Speech. Again there was no mention of the Supreme Court Bill, which, on former occasions, had been considered of such great importance. In point of fact scarcely anything was mentioned. No reference was made to the conduct of the Lieut. Governor of Manitoba. At the time of the House rising last year there was a very strong feeling as to the conduct of the Government in that Province, and the House had scarcely risen when they found trouble had arisen with regard to land in that territory. Industrious, hard working settlers had gone there from Ontario, expecting to be able to make a home in the prairies of the West, and they were actually forbidden by Governor Archibald to settle until he had provided accommodation for all those who chose to take land in accordance with the grant made by the Dominion Parliament. In the month of June His Excellency was asked to indicate the mode adopted to regulate the rights of common and cutting hay, and it was stated that the arrival of emigrants made it pressing that there should be a solution of the question. With regard to the settlement of the lands Governor Archibald referred the people to the rules adopted by the Governor General, and said that if he had to designate the townships in which allotments to half-breeds should be made he should be guided by the selections made by the half-breeds themselves. Subsequently they had had the extraordinary spectacle of the representative of the Crown in that Province, in the light of day, shaking hands with the man who had been the leader of what Col. Wolseley called a gang of banditti, and who took the life of an unoffending man. Nothing was said of this, but on the eve of Parliament it was announced that the Lt. Gov. had resigned. It ought not to have been a resignation, but an instant dismissal. The canal system was a matter of extreme importance, but it should be desirable to ascertain what was the exact scheme of the Government. In the absence of

definite information as to that scheme, he would merely say that he should cordially agree with the Government provided their scheme should be such as would commend itself to the practical experience of the country. As to the Treaty he thought the universal hostility manifested towards it throughout the country was sufficient to justify a deliberate debate before agreeing to the Address, in reply to the speech, but as it had been decided to postpone the consideration, he would not enter into the matter at that time.

Hon. Sir FRANCIS HINCKS said it was not his intention to follow his honourable friend through all the matters of which he had spoken, but merely to speak of a few. With regard to the construction of the Pacific Railway as one of the conditions of the union with British Columbia and the statement that the resources of the country were inadequate to the carrying out of that project, he wished to say that the contrary was the fact, and that the Minister of Militia was entirely correct in stating on a former occasion that that work could be constructed without adding to the burthens of the country. With regard to the late calling together of the House he was surprised that the gentleman who had preceded him should express ignorance of the reasons for that occurrence for surely every one could see in the important questions connected with the Washington Treaty every reason for postponement of the meeting of Parliament. Congress had been sitting four months and had not arrived at a decision, and when the Imperial Government requested delay surely every one would see how important it was that in a question of such import, the Imperial and Canadian Governments should be in perfect accord. The member for Lambton had spoken of a statement made at Montreal that the Government would undertake the deepening of Lake St. Peter, but if he took the statement made in connection with the terms of the Speech the only inference was that such a work would not devolve upon the Dominion Treasury though the Government would be disposed to co-operate in the carrying out of the work. With regard to the Speech of the hon. gentleman, his colleague, he would venture to say that he would be able to defend himself at the proper time. He (Sir Francis) had not always concurred in the views of the Secretary of State for the Provinces, but no one knowing him, would charge him with such views as those imputed to him by the hon. member for Lanark. He felt sure that the views of the hon. gentleman

were not dissimilar to those of a member of this House expressed in a London newspaper, the writer of which had preserved his incognito.

Hon. Mr. MACKENZIE—Who was the writer?

Hon. Sir G. CARTIER—The member for Lambton.

Hon. Sir F. HINCKS—With regard to the speeches on the subject of the Washington Treaty occasionally made by members of the Government who have escaped from the control of his hon. friend the first minister, he had been one of those persons who had made one or two speeches on the subject and he would be happy indeed to find any one on the floor of that House who would grapple with the course he took. There were two distinct subjects. The merits of the Treaty itself would have to be dealt with by that House, but there was another question which had been very much discussed during recess, that was the responsibility of the Canadian Government because his honorable friend the First Minister signed the Treaty. He was astonished to hear the hon. member for Lambton refer to that clause which said that the Treaty might be signed by a majority of the members of the Commission. The hon. gentleman must know that that clause was put in, that in case of death or unavoidable absence there might not be a failure in the negotiations. The hon. gentleman and the language of the leading newspaper of his party, indicate them to have very extraordinary and wrong ideas in regard to the manner in which diplomatic proceedings are conducted. When his hon. friend the First Minister was invited to take a seat on the Commission, what would have been his duty were the assumptions of the hon. gentlemen opposite right. Why the first thing he should have done would have been to have stated that he would not take a seat on the Commission, unless upon the distinct understanding that he should not be bound to sign any Treaty which he did not agree to. Had his honorable friend done that, and had sat on the Commission with the intention of not signing the Treaty, did it not meet his views, he would have acted to the Imperial Government in a most dishonourable manner. He (the first Minister) knew perfectly well the conditions upon which he had to go there. Had he put such a condition as the hon. gentleman on the other side of the House would have had him do, was there any member of this House who believes that

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the Imperial Government would have appointed him a commissioner. It was of great advantage to Canada to have a Canadian on the Commission on the same conditions as the other Commissioners, viz: to obey the instructions of the responsible Minister of the Crown in England. The views and interests of Canada had been represented with fidelity and zeal by the First Minister, and it was most satisfactory to know with regard to the proceedings of this Treaty that there has been perfect accord among the thirteen members of the Canadian Government. Leading statesmen in England on both sides of the House had thrown the responsibility on the Government. Mr. Disraeli on the Opposition side had charged the Government with the responsibility of the Treaty, which Mr. Gladstone immediately accepted, and it was unfair to throw the responsibility on his hon. friend, the First Minister, who came to the House as free as any other member to take whatever course he should think best in regard to the Treaty, and he felt sure that when the papers relative to the Treaty were laid before the House they would be shown that the Ministry have faithfully discharged their duty to the country and to the House, and it would be seen that the words of the Minister of Public Works spoken at Quebec, expressed the views of every member of the Cabinet, and that they did not agree with the Treaty, but the course they had taken could not be discussed until the papers were brought down. The hon. member for Lambton had referred to so many subjects that he (Sir Francis) could not answer them all, but had no doubt they would be replied to during the debate.

Hon. Mr. HOLTON, like his hon. friend on this side of the House, had not intended to speak on this debate, but as the hon. leader of the House had failed to rise, in reply to his hon. friend from Lambton, and the Minister of Finance had taken part in the debate, he would say a few words. He inferred from the terms of His Excellency's speech that the Premier and his colleagues had assumed full responsibility in accepting the Treaty. The hon. gentleman had told them that the Premier was not responsible for assenting on behalf of Canada to the appointment which was conferred upon him by reason of his position of First Minister of Canada. Why was he sent to the United States as First Minister? Why was he appointed, if not to forward the interests of Canada? He would not like the debate to close with-

out some explanation from the Treasury Bench. He held that no one could control the Canadian Premier other than the Parliament of Canada, and to that House he should be responsible for all his public acts. As regards the late period at which Parliament had been called together, he saw no reason why the meeting had been so delayed, as had they been called together in February they might still have been in session. The Imperial Parliament had not postponed its meeting, nor yet the Congress of the United States. With respect to the hon. Secretary of State for the Provinces and his position in that debate he maintained that a minister of the Crown could not separate himself from that capacity in the discussion of political questions: With regard to the statement of the Minister of Marine and Fisheries made at Montreal, respecting the deepening of Lake St. Peter, the inference which he (Mr. Holton) and many others had drawn from the speech in question was, that the Government had undertaken the expense of deepening Lake St. Peter, as well as the enlargement of the canals. He considered that there was a distinct difference between the reference to the Treaty as referred to in the Speech, and the statements of the hon. Ministers of Finance and Public Works, the terms of the speech implying that the Treaty was a good one, while the hon. gentlemen said the Cabinet were opposed to it. He hoped that the debate would not close without the Prime Minister expressing his views. He could not think that he (the Prime Minister) would endorse the views of the hon. Minister of Finance, that he was not responsible to Canada for signing the Treaty.

Hon. Mr. McDUGALL thought he saw nothing that should delay the action of the House in respect to the Address. He had hoped that the practice of passing the Address without debate would be followed by this Parliament. The hon. member for Lambton had discussed at considerable length questions to which he could not agree. With respect to the Treaty of Washington referred to in the Address, they were promised so much of the correspondence as could, with due regard to Imperial and Canadian interests, be laid before them. The question is one of great importance, and we could easily see that it might be highly expedient that there should be some reserve in discussing it. The House would look with great anxiety for such correspondence as the Government may think it expedient to submit. He had no hesitation in saying, that after reflecting upon the

subject, and having discussed it with his constituents he felt it his duty to say at once that he was prepared to ratify the Treaty of Washington. If he understood the Finance Minister that the Government is prepared to throw any obstruction in the way of or prevent the full ratification of the Treaty he felt sure that many in that House would be opposed to them. He dare say that the correspondence when sent down would show that everything had now been arranged satisfactorily to Canada. He did not hold himself responsible as a member of that House for opinions which he had expressed at various times, and at Hamilton recently as a private citizen, but he would say that we should accept the Treaty as a portion of the empire, or be prepared to change our political relations with the Mother Country. He considered the speech or pamphlet of the Hon. Secretary of State for the Provinces very injudicious, as coming from a gentleman holding a Ministerial office.

H. n. Sir FRANCIS HINCKS rose to explain that the hon. gentleman on the opposite side had misunderstood him as saying that the Government was opposed to the Treaty, what he intended to convey was that the Government had expressed their disapproval of the Treaty, but that since then a correspondence had been going on with the Imperial Government on the subject, and that on the papers coming down the House would see that the two Governments were in entire accord.

AFTER RECESS.

Hon. Mr. McDOUGALL in resuming the debate said he would not continue his remarks further as he thought it inexpedient that the House should discuss the question of any change of constitution at the present time. They were there to pass the laws necessary in the interests of the country. He was very well satisfied with the terms of the Address and the indications of the policy of the Government, although many important measures which the circumstances of the country required, and which ought to be dealt with during the present Session were not mentioned, but no doubt these measures would be submitted as the session progressed. He concluded by particularizing a law for the trial of controverted elections as especially necessary.

Mr. STREET (Niagara) said he wished to make a few remarks on the paragraph of the speech respecting the canal system. Great agitation had prevailed throughout the country on the subject, and he consider-

ed that the declaration made in the speech that the matter would be vigorously taken up would give very great satisfaction, and he trusted that the promise given would be carried out fully by the Government, and he was sure that they would be fully sustained by the House in voting any money for the carrying out of any satisfactory schemes.

Mr. MASSON (Terrebonne) said he rose to take exception to a remark made by the hon. member for Lambton in designating Mr. Riel as a leader of banditti. He contended that so far from this being the case he was the leader of the whole French population of Manitoba, and said that if he wished he could at the present moment be returned to Parliament for half the counties in the Province. He did not wish to defend what Mr. Riel had done, but there was great injustice in the term made use of by the member for Lambton. He then referred briefly to the withdrawal of the troops, maintaining a statement which he said he had previously made that that withdrawal had caused very great dissatisfaction among the people of Canada, and cited the report of hon. Mr. Campbell on the subject in his support.

The Address was then passed paragraph by paragraph.

Hon. Mr. HOLTON thought that before the question closed they had a right to hear from the leader of the Government something respecting his action in subscribing to the Treaty of Washington—and especially as to the constitutional question of the responsibility or otherwise of himself and his colleagues in the matter. He (Mr. Holton) held that the hon. gentleman went to Washington in the capacity of Minister for Canada, and for the one purpose of representing and protecting Canadian interests, and in that capacity for whatever he did or forbore to do, he was responsible to that House.

Hon. Sir J. A. MACDONALD was sorry he could not respond to the request of his hon. friend, as he thought it would be highly inexpedient and not for the public interest or the advantage of the House to enter into the matter now. If the question was of such grave import it should not be discussed until the papers were fairly before the house. As to the constitutional question the Government and every individual member of it were responsible to the House and the country for what they did as a Government. As to the question of his personal responsibility and whether his position as a member of the Government and a Commissioner in-

Hon. Mr. McDougall.

volved a two fold responsibility he must decline to discuss it until the whole course of the Government in regard to the Treaty and of himself incidentally was laid before the House. Then he would be ready to discuss the matter to the fullest extent.

He then moved for a Select Committee to draft the Address to His Excellency. Motion carried and Committee presented the Address, which was ordered to be engrossed and presented to His Excellency by such members as were of the Privy Council.

The House adjourned at 8.20 until Tuesday next.

SENATE.

OTTAWA, April 16th, 1872.

The SPEAKER took the Chair at 3 o'clock.

NOTICES OF MOTION.

Hon. Mr. SANBORN gave notice that he would enquire of the Government whether it is their intention to introduce a bill to amend the law respecting patents and inventions.

Hon. Mr. MILLER.—Whether it is the intention of the Government to maintain a force for the protection of the coast fisheries and whether the Imperial authorities will co-operate.

Hon. Mr. BOTSFORD.—Whether the Government propose to adhere to the broad gauge for the Intercolonial Railway.

BILLS.

Hon. Mr. CAMPBELL introduced a Bill to amend the Act respecting the Statutes of Canada.

Hon. Mr. AIKINS introduced a Bill respecting the Public Lands of the Dominion.

RETURNS.

Hon. Mr. AIKINS presented a return with respect to corporal punishment.

Hon. Mr. MITCHELL presented the annual Reports respecting Trade and Navigation and Inland Revenue.

H. R. H. THE PRINCE OF WALES.

The order for the day, Address of congratulation on the recovery of His Royal Highness the Prince of Wales, was then taken up.

Hon. Mr. CAMPBELL said—I am confident that the House will cordially, and

with one voice, unite in the congratulations which it is proposed that the Parliament of Canada should offer to Her Majesty on the happy recovery of His Royal Highness the Prince of Wales. We have taken the earliest opportunity after the Speech from the Throne had been answered, to submit to this House the Address containing these congratulations, and every hon. member will, I am sure, gladly seize the earliest opportunity of tendering them to Her Majesty. We all remember the universal anxiety which was felt in this country during those gloomy days when H. R. Highness's life was in danger. If I may venture to gauge the experience of other hon. members by my own, I may safely say that that anxiety was spread over the whole Dominion, and pervaded every fire side. It was not merely that we loved the Queen with the respectful attachment and homage of a free people, and felt deeply the great personal sorrow with which, for the second time, she was threatened. Nor merely that we sympathized tenderly and truly with the courageous and noble wife of the Prince; but we believed the nation to be passing through a time of considerable political uneasiness, for many old landmarks of the country had been attacked, and a disposition had manifested itself amongst a portion of the British public, an active portion, to attack others, stimulated more or less by success, and strengthened by numbers, whose views went infinitely beyond any expressed, or perhaps held, by its leaders. Under these circumstances, the Prince's life was in danger, and when we reflected on the probable effect upon the Queen's health of a fatal termination of his illness, and on the tender years of the young Prince Albert Victor, we knew that we had cause for deep concern. And now that the sorrow with which the Queen and the Nation were threatened has passed by, we rejoice with a joy as all pervading as were our grief and our sympathy. We heartily pray that H.R.H.'s life may long be spared, and that his reign, when it shall please God to call him to the Throne, may long perpetuate the constitutional rule under his Royal mother's administration, under which we and all her subjects have so long enjoyed the blessings of free and just government. I am confident that, notwithstanding the teachings of a small and narrow-minded school of political philosophers, the people of England will respond to the sentence with which this address is closed, and which so entirely speaks the senti-

ments of this House in assuring Her Majesty of our "unswerving attachment to the Empire, and of our devotion to her Throne and Person." With these words, I now beg leave to propose the following Address of Congratulation :

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN :

We, Your Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly approach Your Majesty to offer You our earnest congratulations, on the restoration to health of His Royal Highness the Prince of Wales.

The visit of His Royal Highness to British North America, and the acquaintance which he then made with its people, have served to render their sympathy during his illness the more keen, and we humbly assure Your Majesty that Your subjects in Canada are deeply thankful to Almighty God for the happy recovery of the Prince.

Your Majesty's Canadian subjects of all creeds and races participated in Your Majesty's affliction whilst His Royal Highness' life was in danger, and we humbly trust that Your Majesty will graciously suffer us to unite in the congratulations which, by acclamation from all parts of the Empire, have greeted Your Majesty on the passing away of the great calamity with which the nation was threatened.

We desire humbly to renew to Your Majesty the expression of our unswerving attachment to the Empire, and devotion to Your Majesty's Throne and Person.

Hon. Mr. LETELLIER DE ST. JUST, who followed in French, said that it was with the most unfeigned pleasure that he rose to second the Address, which had just been moved by the Hon. Postmaster General. He could reiterate what that hon. gentleman had said so forcibly, that the whole population, without respect to class or creed, had heard with the deepest sorrow the news of the illness of H. R. Highness the Prince of Wales, and had sympathized most sincerely with his august mother and wife in their great sorrow. He could also testify to the joy that pervaded all classes when the cause for anxiety was at last removed, and the British Empire was saved from the sad calamity of the death of the heir to the British Crown. Happily, however, all danger to British institutions had been averted by his recovery, and the attachment of all classes of the people to the Crown strengthened by the event which had caused so much sorrow and anxiety throughout the length and breadth of the British Empire.

Hon. Mr. Campbell,

The Address was then ordered to be engrossed, signed by the Speaker, and sent to the Commons for their concurrence.

DECEASED SENATORS.

The SPEAKER having informed the House of the death of Senators H. E. J. Duchesnay and Bill,

Hon. Mr. CAMPBELL moved an adjournment of the House out of respect to those gentlemen, and in doing so, alluded particularly to Senator Duchesnay, with whom he had a longer and more intimate acquaintance than he had with Senator Bill. That gentleman had been like himself, long connected with the Conservative party, and was a member of an illustrious French Canadian family, whose name was perfectly familiar to every student of those times when the French were the rulers of Canada. The late Senator was a worthy scion of that stock, and had always fulfilled most honorably and consistently all his public duties, while not a few present could also testify to his courteous demeanour and other admirable personal traits.

Hon. Mr. HOLMES spoke of his acquaintance with the late Senator Bill, who had always been most upright and honorable in all his relations with the world.

Hon. Mr. ARMAND seconded the motion of the hon. Postmaster General, and referred to the high descent of the late Senator Duchesnay, to his amiable qualities and to his sincere desire to perform strictly and honorably his obligations as a public man. He had left behind him very many friends who would always preserve his memory fresh in their minds.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, 16th APRIL, 1872.

The SPEAKER took the chair at 3 o'clock.

ROUTINE BUSINESS.

Mr. SPEAKER laid before the House,—General Statements and Returns of Baptisms, Marriages and Burials, for the Districts of Arthabaska, Beauce, Beauharnois, Chicoutimi, Iberville, Ottawa, Richelieu, Saguenay, St. Hyacinthe, Terrebonne, and Three Rivers, and for the Counties of Berthier and Bonaventure, for the year 1871.

Philémon Dugas, Esq., member for the Electoral Division of Montcalm, having

previously taken the oath, according to law, took his seat in the House.

Twenty-six Petitions were brought up and laid upon the Table.

The following Petitions were received and read:—

Of the Montreal Telegraph Company, praying for certain amendments to the Acts incorporating the said Company.

Of John Proctor and others, of the city of Hamilton, praying for an Act of incorporation, under the name of the Bank of Hamilton.

Hon. Mr. TILLEY laid before the House, by command of His Excellency, Tables of the Trade and Navigation of the Dominion of Canada, for the fiscal year ending 30th June, 1871.

Hon. Mr. MORRIS laid before the House, by command of His Excellency, Report, Returns and Statistics of the Inland Revenues of the Dominion of Canada, for the fiscal year ending 30th June, 1871.

Mr. COLBY introduced a Bill (No. 3) to repeal the Insolvency Laws,—Second reading on Thursday.

Hon. Sir F. HINCKS laid before the House, by command of His Excellency, Public Accounts of the Dominion of Canada, for the fiscal year ending 30th June, 1871.

On motion of Hon. Sir JOHN A. MACDONALD, a Special Committee was appointed, composed of Hon. Sir George E. Cartier, Hon. Sir Francis Hincks, Hon. Messrs. Tilley, Langevin, Howe, Holton, Chauveau, McKeagney, Dorion and Mackenzie, and Messrs. Burpee, Walsh, Morrison (Niagara), Gendron, Bolton, Houghton, DeLorme (Provencher), and the mover, to prepare and report Lists of members to compose the Select Standing Committees ordered by this House on Thursday last, the 11th instant.

On motion of Hon. Mr. MACKENZIE, an Address was voted to His Excellency, for copies of all correspondence between the Government and Lieut.-Governor of Manitoba, regarding the disposition of the Crown Lands in that Province by Grants or Sales, with copies of Memorial or Petition addressed to the local authorities or the General Government on the subject, and the replies thereto; also copies of all Proclamations or Orders in Council on the subject, and reports of, and correspondence with Mr. McMicken, Land Commissioner.

Also,—a further Address, for copies of all correspondence with Lieut.-Governor A. G. Archibald, of Manitoba, and Mr. McMicken, Land Commissioner, regarding the Fenian Invasion of Manitoba, and the intercourse of the said Lieutenant Governor

with Louis Riel, the leader of the rebellion in the Territory, and one of the men charged with the murder of Thomas Scott.

And a further Address, for copies of report of Engineers or others appointed to investigate the location of the Canal across the St. Clair Flats on the Canadian side of the Channel by the Government of the United States, with copies of all Orders in Council, and correspondence with the Imperial Government, or others on the subject.

On motion of Mr. FOURNIER an address was voted to His Excellency the Governor General for copies of all correspondence between the Government of the Dominion, that of the Province of Quebec, and Hon. Mr. Justice Bossé, with respect to the refusal of that Hon. Judge to comply with the order of the Government of Quebec, directing him to reside at Montmagny, in the District of Montmagny.

CROWN LANDS IN MANITOBA.

Hon. Mr. MACKENZIE, in moving for the correspondence regarding the disposition of the Crown Lands in the Province of Manitoba, said: It would be recollected by the House that very great difference of opinion existed in the House at the time of the discussion on the Manitoba Bill as to the effect which setting apart 1,400,000 acres of land would have upon the settlement of that Province. A gentleman on this side of the House asserted at the time that the Bill as passed, providing for so large a reservation, would be quite certain to produce complications of a very difficult and disagreeable character in that Province. These anticipations were realized, as every one knows who has paid any attention to the course of events. Immediately after the opening of the season last year, a large number of people emigrated from the old Province of Canada to the new Province and found themselves in a position of very great difficulty. The officer administering the Government of that Province declined to take any measures whatever to enable these people, who had gone under circumstances of great hardship and difficulty to settle there—to secure land: but affirmed his determination of securing to those for whom these reserves were intended the first choice in locations, even though the emigrants had taken possession of and settled upon the land. He had letters in his possession showing that many of these people were driven from the ground which they had improved by some of those Half-breeds, who claimed the

land merely by virtue of walking round it, or asserting that it was to be given to them and to their friends. He did not desire that any preference should be shown to any person, whether an emigrant from the late Province of Canada or a resident of Manitoba, but thought that those who had taken up their locations should be confirmed in their possession. Many of them had been obliged from the position in which they were placed to cross the border and settle in the United States. Others had been advised by himself and his friends to take land, and if Governor Archibald under instructions from Ottawa should refuse to them the right that they had to take possession, they should dare him to remove a British subject from the soil (laughter).

Hon. Sir JOHN A. MACDONALD in reply said, that there would not be the slightest objection to the motion of the honorable gentleman being adopted by the House. The papers would be sent down. He would, however, say with reference to the remarks of the honourable gentleman, that the Government think they have taken every step possible for them to take for the purpose of expediting the survey and settlement of that country. It would be remembered that before Canada had obtained possession of the North West, and while it was still under the sovereignty of the Hudson's Bay Co., the Canadian Government had asked the Company to permit them to send in surveyors for the purpose of laying out townships, &c., so that everything must be ready for the large immigration expected there, and that those surveys had made considerable progress when they were stopped by the inhabitants of the country. It would also be recollected by the House that the first thing done by the Government after the union of the North West with the Dominion, was to send in as many surveyors as could be procured for the purpose of preparing the country for settlement. These surveys could not be done in a moment, they required both time and skill. Meanwhile, as settlers were going in, and in order that the they might at once take up lands, an Order in Council was passed, providing that any person going there and taking possession of land should, under certain regulations, be supported in that possession. This Order in Council was afterwards put in the form of a notice which runs thus:—

"Parties found upon the lands at the time of survey having settled upon and improved the same in good faith, as settlers under the land re-

gulations, will be protected in the enjoyment thereof, whether the same be pre-emption or homestead right, provided they respectively enter for such right with the land officer, and otherwise carry out the provisions of the said regulations in that behalf, within three months after the survey shall have been made."

Every man therefore going to that country had a right to select his own location and on the conditions named in the notice being fulfilled his right would be maintained. In order that there might be no mistake instructions were also given as to the mode of running the base lines so that they would not be afterwards disturbed in their improvements. The instructions were as follows:—

"In settling on the lands, parties will require to bear in mind the system of survey adopted, by which the lines run due East and West, and North and South, and the 160 acres or quarter section is an exact square of half a mile each way, under which system alone pre-emption or homestead rights, based upon settlement previous to survey, will be recognized."

Under these orders every emigrant had a right to go into possession.

The honorable gentlemen had said that some of these persons had been disturbed. That might be the case and if any such outrages had taken place they were greatly to be regretted. But it must be remembered that the country had been in a very troubled state. One portion of the population had been armed against the other, and an armed resistance had been offered to the authority of Rupert's Land. The troubles arising out of this state of things could not be expected to disappear at once. Such outrages, however, if they did occur were not likely to occur again. He had every reason to believe that every man entering into peaceable possession of the soil would be protected by the law and by the Government and would be free from disturbance of any kind. Upon the opening of navigation at least fifty surveyors would be sent into the country. The whole of the Province of Manitoba (except that portion of it near the boundary line between the United States and the Province, which line has not yet been fixed) would be surveyed in the course of the present year, as would also at least 100 townships outside the Province, in that portion of the country where treaties have been made with the Indians.

Hon. Mr. MACKENZIE asked whether Governor Archibald's Proclamation of June 9th, 1870, was issued with the consent of the Government; if not, whether his attention was called to the violation of law and order in that proclamation.

Hon. Sir JOHN A. MACDONALD replied that if the honourable gentleman would give notice of his question, he would get a full answer.

Hon. Mr. Mackenzie.

PACIFIC RAILWAY.

Hon. Mr. MACKENZIE in moving for copies of all tenders or proposals for the construction of the Pacific Railway, and for copies of Orders in Council relating thereto, said that it was of the greatest importance that any such tenders or proposals received by the Government should be laid before the House as soon as possible. He had a precedent for this in the case of the Intercolonial Railway, when a similar motion was made, and certain tenders were brought down. He thought it was very unfortunate that some of them were not accepted, instead of adopting the course the Government did.

Hon. Sir JOHN A. MACDONALD would say that there were no such propositions in the strict sense of the word. A letter had, however, been addressed to himself, which, as it was not marked private, might be considered as a *quasi*-official document. This letter was signed by Sir Hugh Allan on behalf of himself and certain other gentlemen, and contained a proposition for the construction of the railway, but as he had understood from that gentleman that he was desirous of substituting another proposition, he (Sir John) would not like to bring down the letter without the writer's consent.

Hon. Mr. MACKENZIE asked whether there were any more *quasi*-official proposals.

Hon. Sir JOHN A. MACDONALD replied that there were not, and that there were no Orders in Council on the subject.

The motion was then withdrawn.

FENIAN INVASION OF MANITOBA.

Hon. Mr. MACKENZIE moved for the correspondence regarding the Fenian invasion of Manitoba and the intercourse of Lieutenant Governor Archibald with Louis Riel, the leader of the rebellion in the Territory, and said that it had been stated in the papers coming from that Province at the time of the invasion of the country, by one of Riel's former associates, O'Donoghue, that Riel himself was one of the parties who had promoted the invasion by the Fenians, and in a letter from Mr. McMicken, published in the papers, it was stated that he (Riel) had induced a number of his friends to abstain from responding to the call of the Governor upon the people to assist in expelling the invaders. It was also stated that this personage presented himself with a number of his followers, close to the residence of the Lieut.-Governor, and that he (the Lieut.-Governor) had received and

embraced him for whose arrest it was said he had previously issued a warrant. He would probably call the attention of the House to the matter again and in another way. He based his motion on the statements made in the newspapers and Mr. McMicken's letter, and would reserve further remarks until the papers were brought down. He (Mr. McKenzie) would however ask whether it was not due to the House that the circumstances connected with the withdrawal of Lt. Governor Archibald should not be stated to the House. It was the first instance of the kind that had been before the House, and he desired to know whether that retirement had been produced by any correspondence from the Dominion Government, or whether it was the effect of the public events in the Province upon the Lt. Governor's mind.

Hon. Sir JOHN A. MACDONALD said that the papers would be brought down. He would say, however, that it would have been better if the honorable gentlemen had reserved all his remarks. He had said just enough to show the animus which dictated the motion. He (Sir John) would not be drawn prematurely into showing anything like a contrary animus, but would allow the matter to stand until the papers were before the House. As to the resignation of Governor Archibald, he would say that the honourable member was very unguarded in his mode of expression, in his allusion to the *withdrawal* of Governor Archibald. There had been no withdrawal by the Government. The resignation by Mr. Archibald was an act of his own, without suggestion or indication from the Government. Mr. Archibald was appointed during his (Sir John's) illness, but he afterwards fully recognized the wisdom of the appointment and still did so. Under the circumstances of the case of having to go into the country with an army at his back, it was not an enviable appointment, and he went there purely from a sense of duty and at the strong instance of the Government. At the time of his going he made it a condition that he should return at the end of a year, and in December last he (Sir John) received a letter from Mr. Archibald stating that the year had more than passed, and that he desired to be relieved, and enclosed his resignation. He did not consider it advisable to recommend its acceptance, but since then Mr. Archibald has pressed for it in such a manner that no option was left to His Excellency's advisers, but to advise the acceptance of the resignation.

ST. CLAIR FLATS CANAL.

Hon. Mr. MACKENZIE moved for copies of papers relating to the location of the Canal across the St. Clair Flats. He alluded to certain events that took place at Washington in connection with the Treaty, which showed that the Canadian Government had tacitly acknowledged that the United States held dominion over that portion of the lake. Every person acquainted with the navigation of the Lake and River St. Clair, knows that the canal is built on Canadian property, and he therefore desired information on which the action of the Government was based. The result will be that if this canal is recognized as being upon American ground, there will be no possibility of a Canadian vessel finding its way from Lake Huron to Lake Erie if the Americans choose to close the Canal against us.

The motion was carried.

RESIDENCE OF JUDGES.

Mr. FOURNIER moved an address praying for the correspondence respecting the refusal of Judge Bosse to comply with the order to reside at Montmagny.

Hon. Sir GEORGE E. CARTIER said the correspondence would be brought down.

Mr. BEAUBIEN admitted that the district was injured by the non-residence in it of Judge Bosse, but thought that Mr. Fournier's remarks were prompted by party spirit. He thought it only right that the Judge should be made to reside at Montmagny.

Hon. Mr. HOLTON said that the object of the motion was not merely to obtain the correspondence in the matter, but to elicit some statement from the Government as to what they intended to do in the matter, and he thought it only fair that the Government should state distinctly the real position of the question. He had heard the matter discussed elsewhere, and he believed the Judge was requested by the Quebec Government to take up his residence according to law within the limits of his District, but that he had hitherto refrained from doing so. He (Mr. Holton) was not able to say whether the Judge had actually refused to do so, but what the member for Bellechasse desired to ascertain was, what the Minister of Justice proposed to do and what redress would be afforded to the District which had suffered from the failure of the Judge to perform the duties required by law? There was a difference of opinion as to which Government had control of the Judges in

Hon. Sir . A. Macdonald.

such matters, but while the Local Government had undoubtedly power to assign the duties of the Judges and their Districts whenever there was a failure in discharging the duties, and redress could only be sought through that Government in which the power to impeach Judges rested, namely, the Dominion Government, and the appeal therefor lay primarily to the Minister of Justice, and ultimately to the House. He thought the real point had not been met by hon. gentlemen opposite, who had merely assented to a formal motion without meeting its real features.

Hon. Sir GEO. CARTIER said the motion was simply for any correspondence on the subject, and the Government were not called upon to answer any further question. If, when the papers were brought down, the mover desired to obtain any statement from the Government on the subject, they would then meet him in the matter.

The motion was then carried.

CONTROVERTED ELECTIONS.

Hon. Mr. BLAKE asked whether it was the intention of the Government to introduce during the present session a measure providing for the trial of controverted elections; and if so, whether they intended to provide that these trials should take place before judges.

Hon. Sir JOHN A. MACDONALD replied that a measure would be introduced for the trial of controverted elections in Manitoba and British Columbia only, and with regard to the latter part of the question, the trials would be conducted in the same manner as in Ontario and Quebec.

Hon. Mr. BLAKE then gave notice that he should move that the trials should take place before judges.

In reply to Hon. Mr. MACKENZIE,

Hon. Sir JOHN A. MACDONALD stated that the papers respecting the Washington Treaty would be laid before the House to-morrow.

The House then adjourned at 4:20.

SENATE.

WEDNESDAY, April 17, 1872.

The SPEAKER took the chair at 3 o'clock.

NOTICES OF MOTION.

After presentation of a number of Petitions from Dominion Board of Trade,

Grand Trunk Railroad Company, Montreal and Champlain Railroad Company, Ship-owners and Ship Chandlers of Ontario, &c.

Hon. Mr. SANBORN gave notice that he would move for copies of all correspondence between the Dominion Government and Local Governments of Ontario and Quebec, with respect to the Provincial Arbitration.

Hon. Mr. CAMPBELL laid on table list of Standing Committees of the Senate, which Government intended moving.

Hon. Mr. BOTSFORD gave notice that he would move for an address, praying for return, giving certain information respecting European & North American Railroad, and that portion of the Intercolonial Railroad, extending to Amherst, N. S.

Hon. Mr. CAMPBELL presented Address from His Excellency the Governor General, laying before the House certain Census returns.

The House then adjourned.

HOUSE OF COMMONS.

WEDNESDAY, 17TH APRIL, 1872.

The SPEAKER took the chair at 3 o'clock, p.m.

ROUTINE BUSINESS.

Mr. SPEAKER informed the House, that the Sergeant-at-arms had, with his permission, appointed Mr. Henry Robert Smith, to be his deputy during his temporary indisposition.

He also laid before the House, - Lists of Shareholders of the Bank of New Brunswick, on the 1st April, 1872, in conformity with the Act 34 Vict., cap. 5, sect. 12, - and of the Canada Landed Credit Company, on the 31st December, 1871, in conformity with the Act 34 Vict. cap. 7, sect. 37.

Ten Petitions were brought up and laid on the Table.

A message was received from the Senate, with an Address to Her Most Gracious Majesty of congratulation on the recovery of His Royal Highness the Prince of Wales, and of our unswerving attachment to the Empire, and devotion to Her Majesty's Throne and Person, to which the concurrence of this House was desired.

Hon. Mr. POPE delivered the following Message from His Excellency the Governor General, which was read by Mr. Speaker:

LISGAR.

The Governor General transmits for the information of the House of Commons, the Census Returns for the year 1871, taken under the Act 33 Vict., cap. 21.

Government House,

Ottawa, 17th April, 1872.

Hon. Sir FRANCIS HINCKS presented, - Order in Council, dated 17th October, 1871, respecting the appropriation of \$100,000, to meet the expenditure of the Expeditionary Force about to proceed to the Province of Manitoba; and Statement of Expenditure made on account of "Manitoba Expedition" under the authority of a Special Warrant issued by His Excellency the Governor General, according to provisions of the Act 31 Vict., cap. 5, sec. 35, clause 2, and Order in Council above mentioned. Also, Miscellaneous Statistics of Canada, for the year 1869-70, being Part I, containing Municipal Returns, Ontario. Also, Return of Warrants issued under authority of Orders in Council, from 1st July, 1871, to 31st March, 1872, and charged to appropriation for "Unforeseen Expenses," granted by the Act 34 Vict., cap. 1, Sched. B.

Mr. MAGILL moved, that a Select Committee, composed of Hon. Messrs. Carling and Beaubien, Messrs. Cameron (Huron), Joly, Rymal, Gibbs, Savary, Street, Colby, Masson (Terrebonne), Currier, Béchard, White (Halton), Workman, Gendron, DeCosmos, and the mover, be appointed to enquire into, and report to this House on the extent and condition of the manufacturing interests of the Dominion, with power to send for persons, papers and records.

Mr. JONES (Leeds and Grenville), moved in amendment, that after the word "manufacturing," the words "and agricultural" be added.

And a Debate arising thereon, the said amendment was, with leave of the House, withdrawn, the original motion agreed to, and the said Committee appointed accordingly.

Hon. Sir JOHN A. MACDONALD, from the Special Committee appointed to prepare and report Lists of Members to compose the Select Committees ordered by the House on Thursday last, the 11th inst., reported as follows:—

1. ON PRIVILEGES AND ELECTIONS.—Bertrand, Blake, Blanchet, Burton, Cameron (Huron), Cameron (Peel), Carter, Cartier, Sir Geo. E., Chauveau, Dorian, Grant, Gray, Grover, Holton, Killam, Macdonald, Sir J. A., McDonald, (Antigonish) Mills, Moffat, Munroe, Radford, Snider, Smith, (Westmoreland), Stephenson, Thompson, (Ontario), and Wells.—28.

2. ON EXPIRING LAWS.—Blake, Campbell, Carmichael, Cayley, Cheval, Cimon, Coffin, DeLorme, (St. Hyacinthe), Drew, Ferris, Fournier,

Godin, Gray, Hurdon, Tapum, Macdonald, (Cornwall), McCallum, McDougall, (Renfrew), Piquet, Pouliot, Power, Senecal, Tourangeau, and Willson.—24.

3. ON RAILWAYS, CANALS, AND TELEGRAPH LINES.—Abbott, Anglin, Blanchet, Bourassa, Cameron, (Huron), Carling, Cartier, Sir Geo. E., Chauveau, Chipman, Connell, Costigan, Cumberland, Currier, De Cosmos, Dorion, Ferguson, Fournier, Galt, Sir A. T., Gendron, Heath, Hincks, Sir Francis, Holton, Howe, Irvine, Jackson, Joly, Jones, (Leeds and Grenville), Kirkpatrick Langevin, Macdonald, (Cornwall), Macdonald, (Glengarry), Macdonald, Sir J. A., McDonald, (Middlesex), Mackenzie, Masson, (Soulanges), McDougall, (Lanark), McGreevy, Merritt, Morrison, (Niagara), Nathan, Nelson, O'Connor, Pickard, Pope, Robitaille, Ryan, (Montreal West), Schultz, Shanly, Smith, (Selkirk), Street, Sylvain, Tilley, Walsh, White, (Halton), Whitehead, Wood and Wright, (Ottawa Co.).—58.

4. ON MISCELLANEOUS PRIVATE BILLS.—Ault, Baker, Beaubien, Bodwell, Bowell, Cameron, (Huron), Caron, Carter, Cayley, Daoust, Delorme, (St. Hyacinthe), Dorion, Drew, Dugas, Fortin, Grant, Harrison, Heath, Kirkpatrick, Langlois, Lawson, McDonald, (Antigonish), McKeagney, McMonies, Merritt, Metcalf, Mills, Morris, Oliver, Pinsonneault, Ross, (Champlain), Ross, (Dundas), Savary, Scatcherd, Scriver, Smith, (Westmoreland), Stirling, Tourangeau, Wallace, (Albert), and Webb.—48.

5. ON STANDING ORDERS.—Baker, Barthe, Bowman, Bown, Burpee, Burton, Cameron (Inverness), Coupal, Gaucher, Gaudet, Gray, Huntington, Kempt, Le Viscomte, Little, MacFarlane, McDougall, (Three Rivers), McMillan, Morrison (Victoria), Pearson, Perry, Pouliot, Pozer, Ray, Ross (Champlain), Ross (Victoria, N. S.), Rymal, Schultz, and Sproat.—29.

6. ON JOINT COMMITTEE ON PRINTING.—Beaty, Bellerose, Bourassa, Brousseau, Bowell, Ferguson, Godin, Howe, McDonald, (Lunenburg), Mackenzie, O'Connor, Simard, Stephenson, Thompson (Cariboo), and Young.—15.

7. ON PUBLIC ACCOUNTS.—Anglin, Blake, Bolton, Brousseau, Carmichael, Crawford (Leeds), Cumberland, Fortin, Galt, Sir Alex. T., Gendron, Gibbs, Harrison, Hincks, Sir Francis, Holton, Irvine, Keeler, Langevin, Lapum, Lawson, Macdonald (Glengarry), Macdonald, Sir John A., Mackenzie, Magill, Masson (Terrebonne), McConkey, Morrison (Niagara), Nathan, Pope, Power, Robitaille, Ross, (Prince Edward), Ryan, (King's, N. B.), S'nith, (Selkirk), Tilley, Tupper, Walsh, Wood, Wokman, and Young.—39.

8. ON BANKING AND COMMERCE.—Abbott, Beaty, Blake, Bolton, Cameron (Peel), Campbell, Caron, Cartier, Sir Geo. E., Cartwright, Crawford (Leeds), De Cosmos, Galt, Sir Alex. T., Gibbs, Harrison, Hincks, Sir Francis, Holton, Houghton, Jones, (Halifax), Langlois, Le Viscomte, McDonald, (Lunenburg), Mackenzie, McDougall, (Three Rivers), McGreevy, Morris, Pope, Simard, Street, Thompson, Haldimand, Tilley, Wilson, and Workman.—32.

9. ON IMMIGRATION AND COLONIZATION.—Archambault, Baker, Beaubien, Béchard, Benoit, Bertrand, Bolton, Bourassa, Brown, Burton, Carling, Caron, Cartwright, Chauveau, Colby, Connell, Crawford, (Brockville), Delorme, Provancher, Dobbie, Dugas, Forbes, Fortier, Grant, Hagan, Holmes, Hurdon, Hutchison, Jackson, Lacerte, Lawson, Macdonald, (Cornwall), McDougall, (Renfrew), McDougall, (Three Rivers), Morris, Pelletier, Pickard, Pope, Renaud, Ross, Wellington, C.R., Ryan, (Montreal West), Shanly, Snider, Stephenson, Tremblay, Tupper, Wallace, (Vancouver's Island), White, (East Hastings), Willson, Wright (Ottawa County), and Wright, (York, Ontario, W. R.).—51.

Hon. Sir JOHN A. MACDONALD delivered the following Message from His Excellency the Governor General, which was read by Mr. Speaker:—

Hon. Sir J. A. Macdonald.

Gentlemen of the House of Commons—I acknowledge with thanks the Address you have loyally voted in answer to the Speech with which I opened the Session, and I rely with confidence on the assurance that you will continue to devote the same assiduity as in the past, to your legislative labors.

LISGAR.

Government House,
Ottawa, April 17th, 1872.

Hon. Sir JOHN A. MACDONALD intimated that papers relating to the Treaty of Washington would be submitted to the House to-morrow.

Hon. Sir JOHN A. MACDONALD gave notice that he would move the reading of the journals relative to the double election returns in Manitoba, with a view to its reference to a committee to-morrow.

Hon. Sir JOHN A. MACDONALD gave notice that to-morrow he (Sir John A. Macdonald) would move for concurrence in the Joint Address with the Senate respecting the recovery of His Royal Highness the Prince of Wales.

Mr. SAVARY put the following question:—Whether the Government intend to include in the Estimates, for the ensuing year, a sum for the erection of a Bell Buoy on Trinity Ledge at the mouth of St. Mary's Bay, in the Province of Nova Scotia, the scene of frequent and yearly loss of life and personal property, with the increasing commerce and navigation in that portion of the waters of the Dominion?

Hon. Dr. TUPPER said the matter was under consideration.

Mr. SAVARY further asked:—Whether the Government intend to place in the Estimates, for the ensuing year a sum for the erection of a new and suitable Lighthouse at the entrance to Annapolis Gut, in the Province of Nova Scotia, in place of the present building ridiculed in "Blunt's American Coast Pilot" as "an object of pitiful and useless economy?"

Hon. Dr. TUPPER said the Government were more inclined to place lights where there were at present none existing. At all events it was not now the intention of the Government to do as the honorable gentleman seemed to wish.

MANITOBA'S NEW GOVERNOR.

Hon. Mr. HOLTON while the House was waiting would, with the permission of the House, as he had not given notice of his question, draw attention to an important matter. He had observed in the

Gazette of Saturday last that the Hon. Mr. Justice Johnson, a Judge of the Superior Court of Lower Canada, had been appointed Lieut.-Governor of Manitoba, and the question he desired to ask was whether that gentleman had resigned his Judgeship, or whether his appointment as Lt.-Governor superseded his Commission as Judge, or whether the Government considered him to be absent on leave, his functions of Judge to be resumed when his duties as Lt.-Governor shall have ceased.

Hon. Sir JOHN A. MACDONALD said, Mr. Justice Johnson had been sent to Manitoba to act as Recorder until other arrangements could be made. He obtained leave of absence as Judge, and an Assistant Judge was appointed to act for him. Mr. Archibald having resigned, it was thought advisable to appoint Mr. Johnson temporarily. Although that gentleman had already a Commission to act as Administrator, in case of the absence, sickness, or other incapacity of the Lieutenant Governor, yet he had found on looking at the B.N.A. Act, that an administrator could not act in case of resignation. A commission had therefore been issued to Mr. Johnson, to act as Lieutenant Governor, until the gentleman to be selected as Mr. Archibald's successor could make the necessary arrangements for his journey.

MANUFACTURING INTERESTS OF THE DOMINION.

Mr. MCGILL considered that no apology was necessary for making his motion for a Select Committee to inquire into the state of the manufacturing interests of the country. The hum of busy industry could be heard from Halifax to Sarnia but there was something wanting in the shape of security to capital and encouragement to manufactures. The Government were sending agents to all parts of Europe to bring hither immigration and deserved credit for doing so, but it was worse than useless to bring skilled labor hither without adopting measures to secure for it employment. The policy, which he sought to inaugurate, was not, by any means, a sectional one. It was one which in its effects would be beneficially felt from Halifax to Sarnia. Even Manitoba would feel its effects, and it would go a long way in strengthening the loyalty of the people, in affording full employment for all. In his opinion, to make people happy and contented under our constitution, manufactures must be protected. The people of this country must not be made to suffer by the supe-

rior facilities afforded to manufacturers in the United States. There was only one line of conduct to be pursued. He did not believe in one policy being pursued in the House and another out of it. He repeated that he wanted such a policy pursued as would not only bring skilled labor hither, but would find employment for it. He wanted a home market for our own people. A home market afforded the speediest return, and gave the most employment to the masses. Encouragement should be given to our men of capital, and to all manufacturing industries, so that they might be able successfully to compete with the manufacturers of the United States.

He then moved for the appointment of a Special Committee to inquire into the matter, seconded by Mr. WORKMAN.

Hon. Sir F. HINCKS said the Government would offer no opposition to the motion, as much valuable information might be elicited; but he would not have it understood that the manufacturing interests of the country were in a very distressed condition, the very opposite being the case.

Mr. FERGUSON was sorry that the Finance Minister had permitted this subject to be introduced by a private member. He would rather have heard that the Government were prepared to take steps with the view of taking up the question of protection, not only to manufacturing, but to farming interests. He hoped that the policy which had been defeated last Session, when certain duties previously placed on flour, &c., were repealed, would be again brought forward, in order that there might be fair protection to the farming interests.

Hon. Mr. HOLTON did not like the idea of one of the fathers of Responsible Government leaving the matter of a policy for the Government to be found by a Special Committee of the House.

Hon. Sir F. HINCKS was not aware that there was anything about finding a policy for the Government in the motion.

Hon. Mr. HOLTON thoroughly understood the motion, and was glad that the motion had been made in so eloquent terms by his friend, the honourable member for Hamilton, but, nevertheless, thought the Hon. Minister of Finance was not acting consistently with his previously expressed opinions. Having made some allusion to the language of the Secretary of State for the Province, on a recent occasion, as to how he could sit beside his colleagues without contaminating them.

Hon. Mr. HOWE said he was surprised that the member for Chateauguay (Mr. Holton) should have risen to make an attack upon him. He could produce a celebrated annexation memorial signed by certain people in Montreal asking that British authority should be removed from this country and it would be found that his (Mr. Holton) signature was among the number. He would also take the opportunity of saying a word to the honorable member for Lambton. That gentleman had during the last two or three years thought proper to read him lectures on loyalty and respect for the British flag, and last winter when he (Mr. Howe) was sick in bed he had the bad taste and utter want of manliness to declare that he had shown disrespect and sought to dishonour the British flag in a part of this Dominion. He did not hesitate in saying that the story was a falsehood, but if the word was unparliamentary he would withdraw it. He would refer the honourable gentleman to the record of his public life for the last thirty years, and would defy him to point out one line which could be shown to be at variance with loyalty. Any one who said the reverse was a slanderer and the truth was not in him. He would read an extract from a speech made in 1861 to a body of Englishmen in the city of Southampton when he used this language:

"During the old times of persecution four brothers, bearing my name, left the southern counties of England, and settled in four of the old New England States. Their descendants number thousands and are scattered from Maine to California. My father was the only descendant of that stock who, at the revolution, adhered to the side of England. His bones rest in the Halifax churchyard. I am his only surviving son, and whatever the future may have in store, I want, when I stand beside his grave, to feel that I have done my best to preserve the connection he valued, that the British flag may wave above the soil in which he sleeps."

He could read many such extracts in proof of the stand he had always taken in aid of British authority. He referred to the position he took in 1839, when the Maine Militia was called out to invade the Province of New Brunswick. At that time he was a member of the Legislature of Nova Scotia, and leader of a powerful opposition in that House. The Militia Laws had expired and the Government was powerless. Sir Colin Campbell, at that time at the head of the Government, could not draw a shilling from the Treasury for the defence of the flag of England. He (Mr. Howe) walked across the floor of the House and tendered the services of himself and his party to the leader of the Government. A Committee was or-

ganized, and before night resolutions were reported placing £100,000 at the disposal of the Government to arm the Province. The honorable member wanted to know how his friends in the Government could sit beside him without contamination. He would like to ask that gentleman how he could sit beside the member for Chateauguay, an annexationist dyed in the wool, without fear of contamination. That honorable gentleman had been caught in the act. As to his pamphlet, about which he had been so fiercely attacked, he was willing to submit a copy of it to the House at any time, and he defied anybody to find one line in it that conflicted with the sentiments uttered at various periods of his long life of steadfast loyalty and support of British institutions. The pamphlet had attracted some attention in the provinces and in England. He would like the member for Lambton to say something that would attract attention outside the Province. He had not heard that the pamphlet had done any mischief up to this time. It had done some good. The *London Times* had been preaching the doctrine that England was an Eastern, not a Western power. Did not we know that very recently, when the expedition was sent to the North-West, the *Times* had said that it was the last time that England would interfere in such a manner. But now, what did it say? — that it was true a good deal had been said by Englishmen about throwing off the Colonies, but that England was under the obligation of defending Canada and she would not repudiate it. If the pamphlet had done nothing more than elicit that declaration, it had done a world of good. He had been accused of speaking disparagingly of the United States. The honorable gentleman spoke of the United States as if no Canadian should ever find fault with them. For his own part he had always spoken fearlessly on public questions whether connected with that country or any other, and he thought we ought to do so. He felt that we had reason to find fault. Had we not within the last five or six years had three or four Fenian raids on our Province, organized and fostered in their midst? And yet the Member for Lambton contends that we should speak with bated breath, when we utter words of remonstrance. He had been unwell when attacks were made upon him last Session, but he was now, thank God, prepared to vindicate his course individually, and the acts and policy of the Government of which he was a Member.

Hon. Mr. Holton.

Hon. Mr. MACKENZIE said—The Honorable member seems never to address the House except to pay off some person who, he imagines, has insulted him. It was an insult to suppose that his acts as a public man could not be criticized. He (Mr. Mackenzie) denied that he had made use of any expression which could be considered otherwise than as a just criticism of his conduct. He condemned the honorable gentleman's conduct as strongly as possible. He (Mr. Howe) might, with that eloquence for which he was famed, endeavour to carry away the House, but it would not prevent him from criticising his public actions. It was his duty, and he would perform it. The honorable gentleman had stated that he (Mr. Mackenzie) had objected to his criticising freely the conduct of the United States. What he said was that he had apparently taken it for granted that the whole 40,000,000 of the United States were waiting to pounce on this country and he had deprecated his right to make any such assumption. He had been accused of having charged the honorable gentleman, during last session, with practically preaching treason in the North West by ordering down the British Flag. The Minister of Customs at once took down his expressions and he repeated them unhesitatingly. His information was obtained from newspapers and from letters, and he had heard it stated in the House. If he (Mr. Howe) now said that no such expression ever escaped him, he (Mr. McKenzie) would at once accept the denial and retract the statement.

Hon. Mr. HOWE said he accepted the explanation of the hon. member for Lambton. That gentleman would remember that he left the House last winter before the Session closed. The progress of public business had prevented him from taking the matter up earlier, but before the close he took an opportunity of contradicting the statements which had been made, and he was now content that the honorable member should withdraw the charge, and he gave his full assurance that he never made an observation about the flag or gave any order respecting it. He trusted that this would be accepted.

Hon. Mr. MACKENZIE said the hon. gentleman had waited until he had left the city. It was announced beforehand and generally known, that he was to attend a meeting at Kingston, and the hon. gentleman had abundant opportunity to meet the charge earlier, but in his (Hon. Mr. Mackenzie's) absence he was cowardly enough to use towards him the most

offensive expressions possible, and now he endeavoured to palliate his conduct in publishing this offensive pamphlet, by saying that it had been noticed in the *London Times*. That paper however noticed it to condemn it. The hon. gentleman fancied himself celebrated, when in fact he was only notorious, a position which any one could attain who chose to write such a foolish, senseless, impolitic pamphlet as he had written; and all this was to be forgotten, because he had once delivered loyal and generous speeches. Was he to be bound by these old speeches, and never criticise anything now said? Were these old utterances to condone everything disloyal, impolitic and wrong in every sense that he might now utter. He (Mr. Mackenzie) refused to be governed by this rule, and should freely criticise his expressions and sentiments, no matter how strong and offensive the expressions might be that were addressed to him in reply.

Hon. Mr. HUNTINGTON desired to make a few remarks in reference first to the motion of the member for Hamilton, and secondly to the matter that had arisen out of it.

Mr. SPEAKER here decided that nothing further could be allowed, except in reference to the motion before the House.

Hon. Mr. HUNTINGTON then said he would confine his remarks to his first subject. He believed that this question of the manufacturing interests of the Dominion was one of great importance, and that the motion must result in great good to the country if properly managed; but the people of the country must be careful not to let anyone take up the cry before the elections, simply for political purposes, and he hoped the question would be understood as one that could not be settled hurriedly, as one of very great consequence to all. There should be no attempt to deal with the question as political capital, but rising above politics, it should be treated in the spirit of statesmanship and regard for the interests of Canada.

Mr. JONES (Leeds and Grenville) said he had intended to move for a Select Committee to consider the best means of promoting the agricultural interests of the Dominion, but it had been suggested to him that this might be coupled with the motion now before the House, and he therefore moved in amendment that the agricultural interests should be added to the other subject to be considered by the committee moved for by the member for Hamilton. That gentle-

man had referred to the great benefit which the country was likely to derive from the protection of its manufacturing interests, but there was no class in the community whose interests should be more protected than the agricultural class. While the manufacturer was protected to the extent of 15 per cent., no protection was afforded to the agriculturist, and those in Ontario especially, suffered from the want of that protection. Canadian farmers were to a great extent shut out of American markets, having to pay a duty of no less than 20 per cent. on all produce sent to the States. It seemed to him that the advocates of free trade took a very one-sided view of the matter, and he regretted the Government had not taken a more determined stand in maintaining the protection they had introduced two sessions ago. The member for Sheffield had urged that the question should not be turned into political capital, but he knew no one more ready to make political capital of such a matter than that gentleman. During the last ten years the increase of population in Ontario and Quebec had been only 300,000, while it had been double that during the ten years previous, while in his own county the population was very much smaller than it was a year ago, and he attributed this to the want of protection afforded the agricultural interests. He said that among the manufacturers of England a strong feeling was springing up in favor of protection, and they found that Sir Robert Peel's prediction that all other nations would follow their example and establish free trade was not fulfilled, and their imports were, to a very great extent, larger than their exports, while in one year the bullion in the Bank of England had decreased to the extent of £4,000,000 sterling. He deprecated the manner in which everything that could have been offered to the United States in exchange for reciprocity, had been relinquished, and said that now when all the young men of the country were leaving for the States and the whole tide of emigration from the old country was flowing there, it was high time that the matter should be considered, and he trusted therefore that his amendment would be accepted.

Hon. Mr. BLAKE, trusted that the Minister of Finance would give to the agricultural interests the same consideration that he accorded to the other interests of the Dominion. For his own part, as they were going into the Committee business, he could not conceive a juncture at which it was more important that these questions should be discussed, as the Gov-

ernment seemed to think it proper that their policy should be determined upon through committees; but the Committee must remember what the ministerial utterances as to the condition and prospects of the country had been. He would not refer to the terms of abuse used by the Hon. the Secretary of State for the Provinces in reply to the honourable members for Chateaugay and Lambton, as he thought silence was the best mode in which to meet such language, not a contemptible silence, but a compassionate silence. The words which he had uttered and written and published were extremely immaterial to the question as to whether these important interests should be taken in hand by the House. They knew that the honourable gentleman had had on a former occasion an opportunity to explain or retract those words, but he did not avail himself of it, and now that opportunity had been repeated with the same result. He told them that they were words of soberness and propriety. The hon. gentleman had vindicated his loyalty in the past, he had told them of acts he had done in days gone by, which he contended gave him a title to the gratitude of the country. He (Mr. Blake) considered that this being so, rendered all the more significant the language which the hon. gentleman, so loyal in times past, now thought fit to use. If he so faithful and so loyal and disposed to sacrifice so much rather than indulge for a moment in a suggestion of anything foreign to the interests of the Empire, if he told them, with reference to what the member for Leeds and Grenville had said had been given up to Americans, that it was an effort on the part of England to buy her own peace with the sacrifice of Canadian interests, the House and Committee had some knowledge of the views of the Government, which would guide them in considering the question to be submitted to them (laughter). The hon. gentleman had gone on to term the Treaty a "Comedy of Errors," and to state that the time had come for England and Canada to come to a clear understanding with regard to their connection with each other, and had quoted the utterances of Cabinet Ministers in England in order to show that England desired to break off her connection with Canada. If this was the real state of affairs, he (Mr. Blake) was glad he was not named a member of the Committee, and he was not surprised that the Hon. Secretary of State for the Provinces and the Government should shrink from the task of settling the matter now to be delegated to a Committee.

Mr. Jones.

Hon. Sir JOHN A. MACDONALD said he hoped the committee would not be frightened from doing their duty by the remarks of the hon. member for West Durham, and he trusted they would meet and collect all the information that was desirable for the purpose of being used by the House, and being of service to the country. The hon. member who had just spoken, as well as the hon. member for Chateauguay seemed to think that the House had no power to act or to exercise any opinion except to register the decrees of the Government and that they were not legislative, and could not enter upon any subject except with the sanction of the Government. It was an old saying that information would do no one any harm and he trusted that in this instance full information would be obtained. The member for Hamilton in the interests of his constituents and of the country at large, had moved for a committee for the purpose of submitting to Parliament the information they might collect, and there had been an appeal made by the hon. member for Shefford, that the subject might not be approached as a political question at all, and he had urged that the House should rise above mere political considerations and deal with it as statesmen, forgetting party for the good of the country. That appeal however had been made in vain and had been rejected by the hon. member for West Durham, but he (Sir John) knew the members of the Committee would do their duty, for their names were a sufficient assurance that they would honestly deal with the matter without any reference to political partizanship. The hon. member for West Durham said that he should treat with the silence of compassion the language of the hon. Secretary of State for the Provinces. He (Sir John) regretted that language, but if the offence was marked, the provocation was great. He also regretted that the hon. member for Chateauguay had not observed his usual moderation, but had characterized the expressions of the Secretary of State for the Provinces as "indecent," an expression as unparliamentary as could well be made use of. He (Sir John), however, thought the Speaker had used a wise discretion in refusing to interfere until the matter had been talked out, but now it had been fairly talked out, he hoped no more would be heard of it. The hon. member for West Durham had characterized the language of the address of the Secretary of State for the Provinces as disloyal, but let any one read that speech and see whether there was any disloyalty in it. The expres-

sions and sentiments were such in which he (Sir John) did not concur, the belief one in which he did not share; but the hon. gentleman had used the language with regret—it was the wailing cry of a loyalist fearing that the colony was going to be forsaken (cheers). He (Sir John) believed that the Parliament of England was right and sound in the matter, and that there was no ground for the fear, and that while there was a power in England, strong in intellect, but not in numbers, who thought that England would be safer and more secure without her colonies, that sentiment was not the prevailing sentiment of England, and he was satisfied that on the first appeal to the people of England they would pronounce that they would still adhere to the old maxim of "Ships, Colonies and Commerce." He believed the hon. gentleman, his colleague, was in error, he himself was more sanguine, but he also believed he was the more correct; and he was satisfied that no ministry in England could exist at the present time or for many many years to come if they laid down as one of the principles of their Government that they were better divested of all their colonies, which gave England such position and such moral as well as physical power in the world. The hon. member from West Durham had called the language of the Secretary of State for the Colonies, very dangerous doctrine, but if that honourable member was fairly reported in the columns of the *Globe* he had stated that the consequence of the Treaty of Washington would be that there must be a reorganization of the Empire, and that the relations of this country must be changed, and this he had not said as a matter of regret, he did not state his opinion with sorrow, but he said it because he considered that, commercially speaking, Canada's rights had not been fully protected by the Treaty. (Cheers.) Had any one accused the hon. member of disloyalty because of these expressions? No. No such accusation had been brought against him, though he richly deserved it from the tone he had just adopted. The organization of the Empire was to be changed because for a few years the Americans were to have the right to catch fish in Canadian waters (cheers). Canada was to call England to account, and the honourable member for West Durham had almost used the language he had quoted from the speech of the Hon. Secretary of State for the Provinces, for he had said that now was the time for Canada and England to meet face to face, and had

stated it as his own sentiment and resolve, because as a leading statesman he was bound to carry his principles into practice, that the Empire was to be reorganized because the mackerel and herring had been handed over to the Yankees for ten long endless years. The Secretary of State for the Provinces was attacked because he disapproved of the withdrawal of Her Majesty's troops from the country. He (Sir John) shared the belief that it was a mistake in the Imperial Government to withdraw the troops, but the matter was one that had to be judged by Imperial considerations, though his individual opinion was that England would have acted with wise discretion if she had still maintained the troops in Canada as a symbol of her sovereignty, and still manned the old walls of Quebec. Looking to the interests of the Empire alone, it would have been well if the garrison had been maintained there, and he did not stand alone in that view. Great statesmen in England had pronounced the same opinion. He did not speak of the Conservative party, who might from old associations desire to maintain the old state of affairs, the old relationship with the Colonies, but Lord Russell had protested against the withdrawal of the troops from Canada. Whether England was wise or unwise in doing so it was for her to decide. Canada had no right to insist on her view of the matter, but he regretted that they had not the martial tread of the troops in the streets and the sound of the martial music, but they submitted without one single feeling except of regret that they had lost the symbol of England's sovereignty. He had been induced to make these remarks in consequence of what had fallen from the member for West Durham. With reference to the amendment of the member for Leeds and Grenville, there could be no objection to it if it met with the approval of the member for Hamilton who had made the original motion.

Hon. Mr. HOLTON had not intended to say one word in reply to the "Billingsgate" levelled at him by the Secretary of State for the Provinces, but as the leader of the Government had referred to an observation of his as a provocation of the very improper and unparliamentary tirade of the Secretary of State for the Provinces, he desired to say a very few words in explanation. He denied that the word "indecent" as he had made use of it was unparliamentary. The hon. gentleman had been charged in a former debate with having delivered a speech, the whole drift of which went to

show that the connection between Canada and the Empire should not be maintained because of two grievances. One of these grievances was the withdrawal of the troops. He (Mr. Holton) considered that perfectly justifiable. He might regret it, but he did not think they had any right to find fault with it. The second complaint was that England had bartered away Canadian interests. He could not forget that the hon. gentleman sat in that House as the colleague and follower of a gentleman who had signed that very treaty, and what he intended to imply was that for a Minister of the Crown to propose the severance of the connection with England on these two grounds was "indecent," and he repeated it. He maintained that he remaining on the same benches the Government assumed the whole responsibility of the utterances of the Secretary of State for the Provinces.

Hon. Mr. BLAKE said that the speech to which the Minister of Justice had referred had been reported substantially correctly, and he was prepared to abide by it. What he had desired to say in his former remarks was that if it was true that England had recently tried to barter away Canadian interests for her own benefit, and that Cabinet Ministers in England were acting in a manner that involved the separation of the country, then this country was at a serious and appalling juncture.

Mr. WORKMAN (Montreal), had agreed to second the motion of the member for Hamilton, that he might have an opportunity to examine the evidence brought before the Committee, at the same time he desired distinctly to state that he was not in favor of a high protective duty. Some branches of manufacture were not sufficiently protected, but the country was thoroughly prosperous, and if these branches could be protected, the prosperity would continue. As to the other subject that had been introduced into the discussion. He happened to be in New York when the lecture in question was delivered, and had been accosted on the subject on the Exchange there by parties who said that a Cabinet Minister at Ottawa openly advocated annexation. He had denied this, but had afterwards read the lecture with great regret because the previous life and action of the hon. lecturer had evinced a much higher tone of loyalty. He had, however, listened with great pleasure to the utterances of the Premier, because they had convinced him that the Cabinet were not in favor of a change in the connection with England.

Hon. Sir J. A. Macdonald.

He wished to live and die under the old flag.

Mr. YOUNG [Waterloo] thought the Government ought themselves to have a policy on the question and should not delegate the matter to a Committee, although he said there might be some excuse for the proceeding as Government seemed utterly unable to frame a commercial policy. He referred to changes in the tariff which had been made in almost every session, dwelling on the proceedings in the session of 1869, terming the action of the Minister of Finance at that time a summersault. With regard to the duty on grain and flour, he maintained that the farmers did not want any such absurd duty, as they know that it would be no advantage to them and a great injury to other interests of the Dominion. Everyone would admit that it would be a great benefit to encourage manufactures, but other interests should not be forgotten, and he trusted that the Committee would remember that they were acting for the whole community and not for any particular portion.

Mr. MAGILL (Hamilton) said that the practice of appointing Committees on such matters had been called in question, but he maintained that it was in accordance with British practice and quoted from Mr. Todd's work in support of his statement. With regard to the amendment he considered that the Committee as he had asked for it would have quite enough work on its hands and he could not consent therefore to the agricultural interests being also submitted to it.

Hon. Sir FRANCIS HINCKS replied to the remarks of the member for Waterloo as to the changes in the Tariff. He explained the reasons that had induced the Government to change its policy in 1870, and said that in 1871 they would have been quite prepared to take off the duties on the articles in question as far as revenue was concerned, and had only hesitated to do so on account of the negotiations then pending at Washington.

Hon. Mr. ANGLIN spoke on the same points, attributing the sudden change in the Tariff to the pressure brought to bear on them by a gentleman now in the Cabinet who had threatened the Ministry with the opposition of the whole of Nova Scotia if they did not accede to his request.

Mr. BODWELL (North Oxford) said the agricultural interests of the country did not require any system of protection. He accused the member for Hamilton of having formerly advocated the interests

of the farming population, and now, when it suited his own interests casting them off, by refusing to consent to their interests being considered by the committee for which he had moved. He hoped the amendment would not be withdrawn.

Mr. JONES (Leeds and Grenville) regretted very much that the member for Hamilton objected to his amendment, but of course he could only withdraw it and move for a separate committee at another time.

The main motion was then carried.

WINDSOR AND ANNAPOLIS RAILWAY.

Mr. SAVARY moved for copies of all correspondence respecting the use by the Windsor and Annapolis Railway Company of Government Railway between Halifax and Windsor. Carried.

DEATH OF ALBERT RIDER.

Mr. SAVARY moved for Reports relative to the death by accident of Albert Rider, on the Government Railway between Halifax and Windsor, and for a statement of all accidents on that Railway and their causes. Carried.

Hon. Mr. MACKENZIE asked whether Government would submit a statement of the affairs of the Bank of Upper Canada.

Hon. Sir FRANCIS HINCKS replied in the affirmative.

The House adjourned at 5.50.

SENATE.

THURSDAY, April 18, 1872.

The SPEAKER took the chair at three o'clock.

PETITIONS.

The following petitions were read:

Of the Corporation of the Town of Woodstock, in the Province of Ontario.

Of Sir W. E. Logan, F.R.S., and others of the City of Montreal, of Sir Hugh Allan, President of the Montreal Telegraph Company, and of the Board of Trade of the City of Montreal.

Of Messrs. Jones and Miller, and of Wm. Lewis and others connected with Shipping in the Province of Ontario.

Of the Caughnawaga Ship Canal Company.

STANDING COMMITTEES.

Hon. Mr. CAMPBELL moved, seconded by Hon. Mr. MITCHELL, that the following be Standing Committees of the House:

PRINTING—Hon. Messrs. Aikens, Bureau, Burnham, Carroll, Chapais, Dumouchel,

Ferguson, Girard, Hazen, Holmes, Locke, Olivier, Reesor, Sanborn, Simpson and Skead.

LIBRARY—Hon. Messrs. Allan, Blake, Bourinot, Chaffers, Chapais, Cormier, Cornwall, Ferguson, Girard, Hazen, Lacoste, Leonard, Locke, Macfarlane, Malhiot, Mills, Odell, Panet, Reesor, Renaud and Steeves.

STANDING ORDERS AND PRIVATE BILLS.—Hon. Messrs. Aikins, Allan, Archibald, Armand, Botsford, Bourinot, Cornwall, Dever, Dickson, Ferrier, Flint, Girard, Guevremont, Hazen, Letellier de St. Just, Miller, Northrop, Olivier, Panet, Perry, Sanborn, Steeves, and Hon. Mr. Campbell.

BANKING, COMMERCE, AND RAILWAYS.—Hon. Messrs. Bureau, Chapais, Churchill, Ferrier, Foster, Hamilton (Kingston), Kaulback, McDonald (Toronto), McLelan, McMaster, Macdonald (Victoria), Macpherson, Malhiot, Mitchell, Robertson, Ryan, Simpson, Skead, Smith, Sutherland, Tessier, Wark, Wilmot, and Wilson.

CONTINGENT ACCOUNTS.—Hon. Messrs. Armand, Benson, Botsford, Burnham, Carroll, Chapais, Christie, Dickey, Dickson, Dumouchel, Hamilton (Inkerman), Letellier de St. Just, McClelan, McDonald (Toronto), Macfarlane, Macpherson, Miller, Mitchell, Mills, Read, Ryan, Seymour, Shaw, Tessier, and Wilson.

PATENTS.

Hon. Mr. SANBORN made the following enquiry of the Government:—Whether it is the intention of the Government during the present Session of Parliament, to introduce a Bill to amend the Law relating to Patents for Inventions, so as to permit citizens of other countries to obtain Patents on the same terms as citizens of the Dominion can obtain them in foreign countries; not giving to foreigners in any case better terms than to our own citizens?

Hon. Mr. CAMPBELL—It is the intention of the Government to introduce a bill making more liberal the existing law respecting Patents; but it will be more convenient hereafter to state its precise details.

THE FISHERIES.

Hon. Mr. MILLER asked:—Whether it is the intention of the Government to maintain a force for the protection of the Coast Fisheries during the coming season, and if so, will the Imperial Government co-operate in the service?

Hon. Mr. MITCHELL—It is the intention of the Government to place the usual force on the service to which my hon. friend has referred, and it is also the inten-

tion of the Imperial Government to give such directions as will ensure the co-operation of Her Majesty's fleet with the cruisers of the Dominion.

Hon. Mr. LOCKE—Is the force to be placed on the service at once?

Hon. Mr. MITCHELL—One vessel has already received orders to proceed to the Magdalen Islands in connection with the herring fishery. The mackerel fishery which requires the most vigilance on our part, does not come on till later, but we will have our vessels on the ground as soon as they will be required.

Hon. Mr. CAMPBELL brought down a message from His Excellency transmitting papers respecting the Washington Treaty.

The House then adjourned.

HOUSE OF COMMONS.

THURSDAY, 18TH APRIL, 1872.

The SPEAKER took the chair at 3 o'clock, p.m.

ROUTINE PROCEEDINGS.

Six Petitions were brought up, and laid on the table.

The following petitions were received and read:—

Of the St. Lawrence and Ottawa Railway Company; of the Western Assurance Company of Toronto; and of the Caughnawaga Ship Canal Company; severally praying for certain amendments to their Act of Incorporation.

Of Sir William E. Logan, F.R.S., and others; praying for certain amendments to the Act respecting Patents for Invention.

Of the Montreal Board of Trade; praying that the Insolvent Acts in force in Canada may not be repealed.

Of the Grand Trunk Railway Company of Canada; praying for the passing of an Act to confirm their agreement with the International Bridge Company, and for other purposes.

Of the International Bridge Company; praying for the passing of an Act to confirm their agreement with the Grand Trunk Railway Company of Canada, and to authorize them to make a lease of the said bridge, and for other purposes.

Of the Honorable John Hamilton Gray, of the City of Ottawa, Canada, William F. Bruff, George Wells Owen and Charles Eley, of the City of London, England, and others; praying for an Act of Incor-

Hon. Mr. Campbell.

poration under the name of The Thunder Bay Silver Mines Railway Co.

Of the Honorable John Hamilton Gray, of the City of Ottawa, Canada, William F. Bruff, George Wells Owen and Charles Eley, of the City of London, England, and others; praying for an Act of Incorporation under the name of The Thunder Bay Silver Mines Bank.

Of the Honorable John Hamilton Gray, of the City of Ottawa, Canada, William F. Bruff, George Wells Owen and Charles Eley, of the City of London, England, and others; praying for an Act of Incorporation under the name of The Thunder Bay Silver Mines Telegraph Company.

Of Eugène Martineau, Mayor of Ottawa, and others; praying for an Act of Incorporation under the name of The Quebec Pacific Railroad Company.

Of the Municipal Council of the County of Essex; praying for a division of the said County for electoral purposes in the manner therein mentioned.

Of the Municipal Council of the Town of Woodstock; praying for the repeal or the amendment of the Insolvent Acts.

Of A. Clarkson and others, Shipowners, and others; and of Messrs. Jones and Miller, and others, Shipowners and others; severally praying for the passing of an Act to provide for the collection of demands against Ships and Vessels.

Of the Provisional Directors of the London and Canadian Loan and Agency Company (limited), praying for certain amendments to the Act incorporating the said Company.

Of James Lamont and others, of the Town of Chatham, County of Kent; praying for an Act of Incorporation under the name of the Chatham Board of Trade.

Of Acalus Lockwood Palmer, and others, Merchants of the City of St. John, Province of New Brunswick; praying for an Act of Incorporation to enable them to carry on the business of Banking in the said city.

Of George Laidlaw and others, of the City of Toronto; praying for an Act of Incorporation under the name of the Lake Superior and Fort Garry Railway Company.

Of Milton Courtright and others, Directors of the Canada Southern Railway Company; praying for the passing of Acts for the incorporation respectively, of Companies for the construction of a Railway Bridge over the River St. Clair, and of a Railway Bridge or tunnel over or through the Detroit River.

Of the Canada Southern Railway Company; praying for the passing of Acts for the incorporation respectively of Companies for the construction of a Railway Bridge over the River St. Clair, and of a

Railway Bridge or Tunnel over or through the Detroit River; and for power to the said Canada Southern Railway Company to become guarantors for the said respective Companies.

Of Anson Green Phelps Dodge, of Keswick, Township of North Gwillimbury, County of York, Lumber Merchant; praying for an Act of Naturalization.

Of Messrs. Gooderham, and Worts, and others, of the City of Toronto; praying for an Act of incorporation under the name of the Mail Printing and Publishing Company (limited.)

Of the St. Catharines Board of Trade; praying for an Act of incorporation.

Of Thomas C. Chisholm, and others, Produce and Provision Merchants, of the Dominion of Canada; praying for an Act of incorporation under the name of the Toronto Corn Exchange Association.

Of the Grand Trunk Railway Company of Canada; praying for power to create a Third Mortgage on the Montreal and Champlain Railroad Line, by them purchased, not to exceed \$500,000, and for power to consolidate all liens upon the said Railroad.

Of the Montreal and Champlain Railroad Company; praying that power may be granted to the Grand Trunk Railway Company, to create a third mortgage on the Montreal and Champlain Railroad Line, by them purchased, not to exceed \$500,000, and for power to consolidate all liens upon the said Railroad.

Hon. Mr. BLAKE introduced a Bill (No. 8), to provide for holding the Elections at any general Election, on the same day.—Second reading on Monday next.

Mr. CARTWRIGHT introduced a Bill (No. 9), for the better protection of navigable Streams and Rivers.—Second reading on Monday next.

Hon. Mr. BLAKE introduced a Bill (No. 10), securing the independence of the Senate.—Second reading on Monday next.

Hon. Sir FRANCIS HINCKS presented,—Statement of all allowances and gratuities granted under the Act 33 Vict. c. 4, intituled: An Act for the better ensuring the efficiency of the Civil Service of Canada, by providing for the superannuation of persons employed therein in certain cases. And, Statement of the cases in which additions have been made to the actual number of years' service of persons employed in the Civil Service who have been superannuated under the provisions of the Act 33 V. c. 4.

TREATY OF WASHINGTON.

Hon. Sir JOHN A. MACDONALD laid

before the House, by command of His Excellency,—Report of the Postmaster General, for the year ending 30th June, 1871.

He also delivered the following Message from His Excellency the Governor General, which was read by Mr. Speaker :—

LISGAR.

The Governor General transmits for the information of the House of Commons certain despatches and minutes of the Privy Council, having reference to the Treaty of Washington.

Government House,

Ottawa, 18th April, 1872.

Hon. Mr. MACKENZIE had observed that this message had been communicated to one of the newspapers of the city before it was laid before the House, and he thought the House was entitled to some explanation. He considered it a violation of the usages that have hitherto prevailed. It was out of the question that the House should be expected to look to the newspapers for advance intelligence on important public questions, and he desired to know whether it was with the consent of the leader of the Government that the Ottawa Times had become possessed of this information.

Hon. Sir JOHN A. MACDONALD said that it was with his knowledge and consent, that it had in fact been done by himself. He had told a gentleman connected with the paper what the substance of the communication would be, and in doing so he had not violated any rules of Parliamentary practice or usage.

Hon. Mr. HOLTON differed with the honourable gentleman on that point. It was contrary to rule that papers which had been promised to Parliament should be communicated to irresponsible parties before being presented, and while the House was in Session.

Hon. Sir J. A. MACDONALD.—There was no pleasing the honourable gentlemen opposite. Ever since his return from Washington they had been attacking him for his reticence, and blaming him for not calling a public meeting and stating the policy of the Government, and now they complained because he had taken the opportunity—the earliest opportunity he could take, because the last document was only dated the 15th instant—of indicating that policy. He denied in toto that there was any breach of propriety in the Government making public any information of public interest, and he defied the member for Chateaugay to produce any book on English practice which stated that such was not the case.

Hon. Sir J. A. Macdonald,

Hon. Mr. BLAKE before proceeding to the Orders of the Day wanted to know, when the Report of the Fisheries would be brought down.

Hon. Dr. TUPPER said the Report was being printed and would be brought down at an early date.

QUESTIONS BY MEMBERS.

Mr. MASSON (Terrebonne)—Whether it is the intention of the Government to introduce during the present session of Parliament, a Bill to amend the Patent Laws so as to enable all British subjects to take patents in the Dominion without being subjected to the clause of the present law requiring one year's previous residence, also to amend the same by requiring that the patentee shall commence to carry on the manufacture of the articles patented within twelve months after the patent is granted instead of three years?

Hon. Mr. POPE—It was the intention of the Government to do so.

Mr. MASSON (Terrebonne)—Whether it is the intention of the Government to appoint a Fishery Officer with magisterial powers for that of the Province of Quebec comprising the Counties of Argenteuil, Terrebonne, Montcalm, Joliette, and Berthier?

Hon. Dr. TUPPER replied that such was the intention of the Government.

Mr. MERRITT—Whether it is the intention of the Government to establish a Meteorological Bureau so that the system of weather reports and storm signals, found to be so useful in Britain and the United States, may be extended to all suitable Ports in the Dominion; and if so, how soon?

Hon. Dr. TUPPER said that the Government was not prepared to take action in the matter so fully, as the question of the hon. member suggested, but that some action would be taken in the matter, during the present session.

Mr. YOUNG—Whether it is the intention of the Government to proceed during the present year, or have abandoned the construction of the fortifications for which they took power to borrow £1,100,000 sterling during the first session of Parliament?

Hon. Sir GEORGE E. CARTIER said it was not the intention to do so this year, but as an agreement existed between the Imperial and Dominion Governments, the policy could not be abandoned.

Mr. YOUNG—Whether it is the intention of the Government to make any al-

terations in the Election Laws during the present session, and more particularly whether they propose to amend the existing laws so that the election in each Province shall take place simultaneously?

Hon. Sir JOHN A. MACDONALD said amendments to existing laws would be made, but no action would be taken with a view to elections being held simultaneously.

Mr. MAGILL—Whether (in view of the contemplated improvements and extension of our system of canals referred to in the Speech from the Throne) it is the intention of Government to carry into effect and adopt the recommendations contained in the Report of the Canal Commissioners presented to the Secretary of State, dated February 24th, 1871?

Hon. Mr. LANGEVIN said the matter would be considered by the Government, and the papers would be brought down in a few days.

Hon. Mr. GRAY—Whether any estimates, detailed or aggregate, have been made by the Dominion Government to the British Government of the expenses and damages sustained by Canada in the Fenian raids of 1866 and 1870? and whether in the estimate of the year 1866, if made, are included the expenses borne by New Brunswick on that occasion?

Hon. Sir FRANCIS HINCKS said that there had been communication on the subject with the Imperial Government, that no estimate had been made, and that in the communications New Brunswick had been included.

Hon. Mr. GRAY—Whether any steps have been taken by the Canadian Government—through the British Government, or otherwise,—to bring before the United States Government the illegal abduction, by American citizens, from the Port of Guysboro', in Nova Scotia, in the month of September last, of the American Fishing schooner "C. H. Horton," seized for a violation of the Canadian Fishery Laws, and at the time within the custody of, and awaiting the action of the Court of Admiralty in Canada?

Hon. Sir JOHN A. MACDONALD—Correspondence had been going on between the United States and Dominion Governments, and if the honourable member would move for the correspondence, it would be brought down.

Hon. Mr. BLAKE—Whether it is the intention of the Government this Session to propose a Supreme Court Bill?

Hon. Sir JOHN A. MACDONALD. It is not.

Mr. TREMBLAY—Whether it is the intention of the Government to promote by a subsidy the establishment of a line of telegraph along the North Shore below Quebec, with a view of affording protection to the interest of trade and navigation, and of rendering it possible, in the case of shipwrecks, which are so frequent on that coast, to procure assistance for those, who for want of means of communication, are there exposed to perish from hunger and suffering?

Hon. Mr. LANGEVIN—The matter had been brought under the notice of the Government by an honourable Senator of the Dominion, and was now under consideration.

Mr. KEELER—Whether it is the intention of the Government to introduce during the present Session any measures providing for the inspection of Salt manufactured in the Dominion?

Hon. Sir FRANCIS HINCKS said there would be a general Inspection Law, but that no representation had been made by the trade upon the subject.

ACCOUNTS PAID FOR CONFIDENTIAL PRINTING.

Mr. YOUNG moved for copies of all accounts paid or received for confidential printing since date of last returns.

Hon. Mr. SANDFIELD MACDONALD said it was the habit of some honourable members to place on paper, notices of motions, calling for all manner of information. It would be more satisfactory in many cases if honourable gentlemen would ask for such information from the Committee of Public Accounts. Such demands made upon Government were really useless. He had some experience in such matters. They gave much trouble, were printed in an appendix, altogether lost sight of, and costly.

Mr. YOUNG thought the honourable gentleman, to use an expression he had heard made use of on the other side of the House, was barking up the wrong tree. There was certainly some truth in what had been said by the honourable member for Cornwall, but if he had been in his place oftener than he was during last session, he would have known that a great improvement had taken place in the matter of getting printing done. Setting aside the plan proposed by the Printing Committee of giving everything, in the way of printing, out by contract, the Government had given the Confidential Printing and Binding without any contract whatever, and he (Mr. Young) desired to know how much had been paid for

it. He believed that the Government had given the contract for binding without tenders and the House should know what is being paid for the work. He believed the amount was larger than ought to be paid. He was aware that the member for Cornwall was of a very economical turn of mind, but it was often the case that economy was carried too far.

RETURNS OF CUSTOMS AT HUDSON'S BAY.

Mr. YOUNG moved to know whether customs duties had been collected in St. James's Bay, into which two or more vessels yearly entered to take off furs and bring in English goods. He believed that no duties had been collected.

Hon. Mr. TILLEY said that the duties could not be collected without authority, but the information which the honourable gentleman sought for would be given.

GEOLOGICAL SURVEY OF CANADA.

Hon. Mr. HOWE—Committee of the Whole for Friday next to consider a resolution for the appropriation of the sum of forty-five thousand dollars annually, for the term of five years, to defray the expenses of the geological survey of Canada.

Hon. Mr. MACKENZIE wanted to know why this money was required for five years. He was aware it had been done before, but that was no reason. There was no money that he would more cheerfully give, but he thought that the granting of this money should not for so long a period be granted, and so dispense, as it were, with the yearly action of Parliament in the matter of a money grant.

Hon. Mr. HOWE intimated that the officers employed in the survey were only employed for a limited period, and it was to give them some assurance that their services would be retained for a reasonable time and that they would not be liable to be disturbed each Session.

Hon. Mr. MACKENZIE thought the geological staff should form a part of the Civil Service.

Mr. MILLS wanted to know whether the geological survey had been placed under the control of the Provinces, as the mines and lands belonged to them.

Hon. Mr. HOWE thought it better that the Dominion should retain the charge of the survey as they were in a better position than the Provinces to secure the best scientific men.

Hon. Sir J. A. MACDONALD said that the suggestion of the member for Lambton that the geological staff should be put on the staff of the Civil Service was worthy of

Mr. Young.

consideration, as the work would extend over many years.

INTERCOLONIAL RAILWAY.

Mr. JONES (Leeds and Grenville,) moved for correspondence respecting the Intercolonial Railway Bridge to be constructed across the Miramichi River. It had been stated in the newspapers that a number of engineers had been called upon by the Commissioners to determine the proper foundation for the bridge over the Miramichi river. According to the last return there were 55 engineers and four commissioners, and they ought to be sufficient to determine an engineering question of this kind without calling in outside assistance. The Commissioners did not appear to have confidence in their chief engineer. The general extravagance in connection with the railway was the result of the appointment of Commissioners totally incompetent to perform their work. From the first they had been at variance with the Chief Engineer, and a kind of civil war had been continually going on between them.

Hon. Mr. McDUGALL said a good deal of discussion had taken place as to whether a safe foundation could be obtained by the bridge, and he believed various experiments had been made, and that it was now ascertained on the authority of able engineers that a foundation of any strength could be had. He wished to ascertain if this was so.

Mr. WALSH explained that when the contracts had been given out it had been on the understanding that rock would be found at a certain depth. What had been supposed rock, however, proved to be gravel and sand, and it had then been considered by the Government and the Commissioners that the advice of engineers not connected with the work should be called in. They had reported that though the foundation was not rock it was perfectly safe and reliable, and there was no doubt that the work would now be prosecuted with vigor and successfully.

The motion was then carried.

BOUNDARY OF ONTARIO.

Mr. JONES (Leeds and Grenville) moved for copies of all correspondence between the Governments of Ontario and the Dominion respecting the north-west boundary of Ontario. He said that it had been stated in public papers that action had been taken by the local Government in the matter, and he thought the matter was one of great importance.—Carried.

JOINT HIGH COMMISSION.

Hon. Mr. BLAKE moved for copies of Reports of the Minister of Marine and Fisheries on the subject of the Fisheries, dated 15th and 20th December, 1869, of the Memorandum and documents prepared for the Hon. Mr. Campbell in connection with his mission to England, and approved in Council on 1st July, 1870, and of the Despatches from His Excellency the Governor General to the Colonial Secretary, Nos. 121, 130, 131 and 133, on the subject of the Fisheries, and of all other Despatches from or to the Colonial Secretary, on that subject, not already brought down and dated prior to the appointment of the Joint High Commission; and of all communications between His Excellency the Governor General and Sir E. Thornton on the subject of the Despatch of the Colonial Secretary, of 10th October, 1870.

He said that all the papers for which he asked were referred to in those already before the House and were necessary to enable them to arrive at a proper conclusion on the subject.

Hon. Sir JOHN A. MACDONALD said that all papers that were not confidential would be brought down, and that in fact he had believed the papers asked for were already before the House. Motion carried.

Hon. Mr. MACKENZIE for copy of the despatch from the Imperial Government asking if a member of the Canadian Government would accept the position of High Commissioner to negotiate with the Washington Government and of the reply thereto. Carried.

FENIAN CLAIMS.

Hon. Mr. MACKENZIE moved for copies of all despatches and correspondence relative to claims arising from the Fenian invasion of Canada, and also copies of all orders in Council or other documents relating to the said claims. He would not have said a word except for an extraordinary remark of the Minister of Finance that no account had been presented of these claims. The Imperial Government had expressly desired such an account, and he hoped that he had misunderstood his hon. friend and that it would prove that an account had been submitted.

Hon. Sir FRANCIS HINCKS said that no such account had been prepared, as it was considered that when the claim was admitted, it would be soon enough to present an account.

Hon. Mr. MACKENZIE said the Imperial Government was not to adjudicate on the claim, but the Canadian Govern-

ment was asked to send a statement of the claims.

Hon. Sir FRANCIS HINCKS said it was very inconvenient to discuss the question in the absence of the papers. When the papers were before the House they would see the manner in which the case had been dealt with, but they did not conceive it was in the interest of the country to present a Bill in detail.

Hon. Mr. BLAKE said that when the papers came down it would also be seen that the Government was asked in July to send in a statement, and that it had not been received in the February following.

Hon. Sir FRANCIS HINCKS said that before a claim could be made out, certain information was necessary, but that within 24 hours of that information being received, a claim had been transmitted.

Hon. Mr. HOLTON asked whether a detailed statement had ever been prepared. A cursory examination of the papers laid on the table showed that the claim had been compounded *en bloc*, that for the endorsement of a bond to the extent of £2,500,000. Government had agreed to recommend Parliament to forego the Fenian claim, and he therefore thought it necessary in debating the debit and credit side of the whole transaction to know whether they had among the papers a distinct statement of the amount claimed from the American Government.

Hon. Sir FRANCIS HINCKS said no such statement had ever been prepared, but the amounts paid at various times could be ascertained from the public accounts.

The motion was then carried.

COURT OF APPEAL.

Hon. Mr. DORION moved for a statement of the number of cases between the years 1869 and 1872 brought before the highest Court of Appeal in the Provinces of Ontario, Quebec, New Brunswick and Nova Scotia, and of cases appealed to Her Majesty's Privy Council. He said he believed that the Province of Quebec was suffering very much from being obliged to submit cases to the Privy Council. He believed eighteen cases were pending at the present moment, and he was sorry to hear that the Minister of Justice did not intend to bring in a Bill for the purpose of creating a Dominion Court, which would do away with the necessity of appeal to the Privy Council.

Hon. Sir JOHN A. MACDONALD said there would be no objection to the motion, but there might be some delay in procur-

ing the information, as the only way would be for the Dominion Government to communicate with the Lieut.-Governor of each Province, requesting that the particulars might be furnished.—Carried.

BANKS AND BANKING.

Hon. Sir FRANCIS HINCKS moved that to-morrow the House should resolve itself into a Committee of the Whole to consider certain resolutions amending the Government's Savings Banks Act, the Act relating to Banks and Banking and the Act regulating the issue of Dominion Notes, and declaring it expedient to consolidate the Acts respecting the Public Debt and the raising of loans. Carried.

Hon. Sir JOHN A. MACDONALD moved concurrence in the report of the Committee appointed to prepare Standing Committees. Carried.

RECOVERY OF THE PRINCE OF WALES.

Hon. Sir JOHN A. MACDONALD moved, seconded by Hon. Mr. MACKENZIE, that the House should join in an Address passed by the Senate congratulating Her Majesty on the happy recovery of the Prince of Wales. And that the Governor General be requested to transmit the same to Her Majesty. Carried.

LIBRARY.

Hon. Sir JOHN A. MACDONALD moved for a Select Committee respecting the Library of Parliament. Carried.

Mr. BROUSSEAU moved for a Joint Committee on Printing. Carried.

The House adjourned shortly after five o'clock.

SENATE.

FRIDAY, 19th April, 1872.

The SPEAKER took the chair at 3 o'clock.

ACCOUNTS.

The SPEAKER laid on the table accounts of the Senate and vouchers thereof for the year ending February 1, 1872.

PETITIONS.

The following petitions were read :—

Of Louis Lamothe and others of the Seigniorie de Blouy, in the County of Missisquoi.

Of the Board of Trade of the town of St. Catharine's.

Hon. Sir J. A. Macdonald.

Of Eug. Martineau, Mayor, and others of the city of Ottawa.

Of the Montreal and Champlain Railroad Company, of Sir Hugh Allan and others of the city of Montreal, of the International Bridge Company; and two petitions of the Grand Trunk Railway Company of Canada.

Of the Rev. I. O. Villeneuve, and others of the Province of Quebec.

Of Messrs. Calvin and Brock and of J. Falconer and others of the Province of Ontario.

Of John H. Gray, of Ottawa, and others of London, England.

NOTICES OF MOTION.

Hon. Mr. MILLER gave notice of an enquiry with respect to salaries of Judges of Superior Courts.

Hon. Mr. RYAN gave notice of a motion for an address of copies of correspondence with reference to question of copyright.

THE ARBITRATION BETWEEN QUEBEC AND ONTARIO.

Hon. Mr. SANBORN then said: In making the motion of which I gave notice on a previous day, I would ask permission to offer a few remarks, though it is not my intention to provoke any discussion as to the validity or propriety of the award, of the Arbitration between Ontario and Quebec, since that question has been submitted to the Judicial Committee of the Privy Council. A document, however, has been sent us, emanating from New Brunswick, and containing the Report of certain delegates authorized by the Legislature of that Province to endeavour to obtain better financial terms. The arguments in that document are very much based upon the position assumed by Nova Scotia. There is one feature of this document, however, which strikes me as not quite correct, and it is only proper that attention should now be called to it. Whatever may be the decision of the Committee of the Privy Council as to the validity of this award, no one looking candidly at the matter can fail to see that it will not end there, but that it is more or less political in its nature, and must ultimately be referred to this Parliament for adjustment. I do not wish to say anything with regard to the justice of the claim made by New Brunswick, but there are some statements set forth in this document which do not appear to me to be correct. "Nor have the undersigned." I am now quoting from the pamphlet, "for obvious reasons, referred to the unjust claims between Canada and New Brunswick; or the pending financial

questions between Ontario and Quebec; and the probable adjustment or assumption of them by the Dominion Government and Parliament. In the first, the matter of unadjusted claims, however it may be determined, cannot and should not alter the case submitted by the undersigned; and as they are in the nature of disputed claims, and unadjusted balances between the respective Governments, and do not partake of the nature of *better terms* under the constitution, they would be transcending their duty and complicating their case by importing them into the present discussion, however just and equitable they may consider the stand taken thereon by the Government of New Brunswick. In the second, the financial complications between Ontario and Quebec, whatever may arise on that subject thereafter, it would be premature and conjectural to anticipate at this time. Having secured, as they hope to secure, reparation and justice for New Brunswick at the hands of the general Government and Parliament, it will be the right and duty of others carefully to watch events as the future shall develop them, and to guard the *distinctive interests* of the Province as the action of Government and Parliament may suggest." Now a portion of that statement appears to me to be unfair. We find it stated in the British North American Act that certain grants shall be "in full settlement of all future demands on Canada." I do not see that these New Brunswick claims should be considered distinct from this question which appears to be looming in the future. It appears to me, if there is to be any inquiry into a change of terms in case of one Province, it must form a precedent with respect to others. Many of the sentiments which are put forward in this document are undoubtedly correct and deserving serious consideration. All of us must admit that the prosperity of the Dominion depends on the prosperity of each section. If it has been found that, under the arrangement under which we act, any Province finds itself unable with the revenues at its disposal to carry on the legislation of the country effectually, and develop its resources, the subject requires consideration; and if it be true with respect to New Brunswick, it may be equally true in the case of Quebec if the award be carried out. The smaller Provinces have been admitted into the Union with the understanding that their debt, which was assumed by the Dominion, had been created for the benefit of the Province — that it represented public works which would bring

a revenue into the treasury of the Confederation, and assist materially in developing the resources of the whole country. Now, in the case of the old province of Canada, there would be a total debt of ten millions and a half, of which a little more than half would fall upon Ontario and the remainder upon Quebec. That would be equivalent to placing Quebec with a burden which would detract so much from the allowance which it receives from the Dominion. Fortunately for the province of Ontario, it is rapidly progressing in population and wealth, it has large tracts of public lands to be filled up, its people are enterprising and energetic. The Province of Quebec has also large undertakings in hand, and has many difficulties to contend with from the nature of its circumstances. It has two distinct populations, speaking different languages, both of which have to be necessarily preserved in the legislature of the country, thereby adding largely to the public expenditures. If it be true, as stated by those delegates from New Brunswick, that it is contrary to the traditions and feelings of the people to enter upon a system of direct taxation for the ordinary support of the administration of public affairs, then that applies with greater force to the province of Quebec. If that debt absorbs five-eighths of the *per capita* allowance given them, it is plain to see that it will be utterly impracticable for them to attempt to carry on their legislation in the way contemplated by the Imperial Act. Undoubtedly all these things could not be foreseen, but we know they are looming up before us, and it is only proper for us, who are responsible for legislation, to look at these questions fairly and dispassionately. The Ministers of the Crown, above all, should take into consideration every matter affecting each province, and come to some equitable conclusion — no one should avoid questions which must be solved sooner or later. I do not know how extensive has been the correspondence on the question, but I suppose the Government have given a courteous response to these delegates, and that something is in contemplation by them according to a reply made in the other branch by one of the ministers, or rather to a request asking that the question be deferred. With these remarks which a strong sense of public duty compels me to make, I beg leave to propose the following motion:

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to order to be laid before this House all correspondence between the Dominion Government or any member of the said Government, and the Treasurers or other

Officers of the Local Governments of the Provinces of Quebec and Ontario, respecting the award of the Provincial Arbitrators named, to settle the respective liabilities of these Provinces to the Dominion, and all papers and correspondence with reference to the submission of the validity of said award to the Queen in Council, whether had between the Government of the Dominion and the said Local Provinces or either of them, or with the Imperial authorities; also, all resolutions in Council or correspondence having reference in any way to the final settlement of the differences between said Local Provinces regarding their respective relations to the Dominion Government, and including any correspondence with the authorities or Government of New Brunswick seeking better financial arrangements from the Dominion in so far as the same have been considered in connection with the relations of the Provinces of Ontario and Quebec to the Dominion."

Hon. Mr. CAMPBELL—My hon. friend, in very proper terms, called attention to the relations existing between the different Provinces and to the questions of the arbitration between Ontario and Quebec, and the New Brunswick claims. Whilst I perfectly admit the very fair mode in which my hon. friend handled the subject, yet I am sure he will not consider it disrespectful on my part if I reply that it would not be consonant with the public interests that I should now follow my hon. friend with the discussion of the questions he has raised. In respect to the papers asked for I may say that there has been no correspondence between the Dominion Government and the Treasurers or other officers of the Local Governments of Quebec and Ontario. Neither has there been any correspondence respecting the submission of the validity of the claim to the Queen in Council. Whatever correspondence there is, has passed between the Governments of the Provinces interested. With respect to the other papers referring to New Brunswick, they will be brought down.

MESSAGE.

A message was received from the Commons announcing the concurrence of that body in the Address to Her Majesty, and the appointment of a Committee to act with the Senate Committee on printing.

STATUTES.

Hon. Mr. CAMPBELL moved second reading of the Bill with respect to the Statutes of Canada, the object of which is to give custody of all original Acts passed by Legislators of late Provinces of Upper and Lower Canada, and all Acts heretofore or hereafter assented to by the Governor General, to the Clerk of the Senate, to be known as "Clerk of the Parliaments."

Read a second time.

The House then adjourned.

Hon. Mr. Sanborn.

HOUSE OF COMMONS.

FRIDAY, 19th April, 1872.

The SPEAKER took the Chair at 3 p.m.

ROUTINE BUSINESS.

Mr. SPEAKER laid before the House,—List of the Shareholders of the Niagara District Bank, on the 16th April, 1872, in conformity with the Act 34 Vict., Cap. 5, Sec. 12.

Nine petitions were brought up, and laid upon the table.

The following petitions were received and read:

Of Michel Perreault, and others, of the Seignior of De Bleury, County of Missisquoi; praying that part of the Parish of Notre Dame des Anges may be detached from the County of Missisquoi, and attached to the County of Iberville, for Municipal, School, Judicial, and Electoral purposes.

Of Sir H. Allan, and others, of the Dominion of Canada; praying for an Act of Incorporation under the name of The Canadian Railway Equipment Company.

Of Stephen C. Tupper, and others, Merchants, of Liverpool, Nova Scotia; praying for an Act of Incorporation under the name of The Bank of Acadia.

Of the Dominion Board of Trade; praying that the Insolvent Act may not be repealed.

Of M. H. Gault, and others, of the City of Montreal; praying for an Act of Incorporation under the name of The Exchange Bank.

Of J. C. Fitch, and others; praying for an Act of Incorporation under the name of The Bank of Canada.

Of Messrs. Calvin and Breck, and others of the Province of Ontario; praying for the passing of an Act to provide for the collection of demands against Ships and Vessels.

Of C. H. Fairweather, and others, members of the Saint John Board of Trade; praying for an Act to incorporate the Saint John Board of Trade.

Of Thomas E. Grindon, of the City of Saint John, New Brunswick; praying for the passing of an Act establishing the validity of certain Debentures issued by the General Sessions of the County of Charlotte.

Of the Mayor and Corporation of the Town of Belleville; praying for the passing of an Act to prevent the casting of Sawdust, Slabs, and other refuse matter into the Moira River.

Mr. HARRISON, on the Select Standing Committee on Miscellaneous Private Bills,

presented the first Report of the said Committee, recommending a reduction of their quorum to seven Members. — Quorum reduced accordingly.

Hon. Mr. HUNTINGTON, from the Select Standing Committee on Standing Orders, reported favourably on the following petitions, viz.: Of the Montreal Telegraph Company,—of John Proctor and others; for incorporation of the Bank of Hamilton,—of the Grand Trunk Railway Company; for the legalization of their agreement with the International Bridge Company,—of the Honorable J. H. Gray, and others; for incorporation of the Thunder Bay Silver Mines Railway Company,—of the Honorable J. H. Gray and others; for incorporation of the Thunder Bay Silver Mines Bank,—of the Honourable J. H. Gray and others,—for incorporation of the Thunder Bay Silver Mines Telegraph Company,—of the Canada Southern Railway Company,—and of Milton Courtright and others; for the incorporation of Companies for the construction of a Railway Bridge over the River St. Clair, and a Railway Bridge or Tunnel across the River Detroit, with the guarantee of the said Railway Company,—of A. G. P. Dodge; for an Act of Naturalization,—of Messrs. Gooderham and Worts, and others; for incorporation of the Mail Printing and Publishing Company of Toronto,—and of Thomas C. Chisholm and others; for incorporation of the Toronto Corn Exchange Association.

Also recommending a reduction of their Quorum to seven members. — Quorum reduced accordingly.

A number of petitions were received and read; reports of Committees presented; and several Bills introduced and read a first time.

Hon. Mr. LANGEVIN presented the Report of the Department of Public Works.

Hon. Sir GEO. E. CARTIER presented the Report of the Militia Department.

The Marquette election return was read by the Clerk.

The return showed that 282 votes had been polled for Mr. Angus McKay, and also 282 votes for Dr. Lynch.

Hon. Sir JOHN A. MACDONALD moved the reference of the return to the Committee on Privileges and Elections.

Hon. Mr. MACKENZIE complained of the laxity of the Government. They were now, however, taking the right course, but at so late a season that the constituency could not possibly be represented in this Parliament.

Hon. Sir GEO. E. CARTIER explained, as on a previous occasion, that everything

that could have been done in the matter last session was done.

On motion of Hon. Sir JOHN A. MACDONALD the Journals of the 12th April, 1871, which relates to the reference of the Petitions against Donald A. Smith, Esq., and Pierre DeLorme, Esq., were read, and the said Petitions were referred to the Select Standing Committee on Privileges and Elections.

GOVERNMENT MOTION.

Hon. Sir FRANCIS HINCKS moved that the Speech of His Excellency the Governor General be taken into consideration on Tuesday next.

Hon. Mr. HOLTON—Before orders of the day were called would call attention to the fact that the papers relating to the Treaty, appeared to be very incomplete. He found for instance that the promised explanations respecting the cause of the delay in calling Parliament together, which, it was said, would appear in the papers, were not given. He found also that the papers did not bear out the statement made by the Minister of Public Works (Mr. Langevin), in his speech at Quebec last year, to the effect that Sir John Macdonald representing Canada individually, and his colleagues collectively, had protested against the execution and ratification of the Treaty. The inference was that there were papers on this point, and he thought the House was entitled to them. The first remonstrance which appeared to have been made was contained in a Minute of Council dated July 28th, 1871, some two months or so after the execution of the Treaty, and the line of remonstrance there taken seemed to him to follow very closely the comments of the public press that we were all familiar with.

Hon. Sir JOHN A. MACDONALD stated in reply that the Government had sent down all such papers as could properly be communicated and which in any way related to the ratification of that portion of the Treaty which relates to the Fisheries. There had of course been a large mass of correspondence of a confidential character which could not properly be submitted to Parliament without prejudice to the interests of the Dominion, and to the Empire in the present exigency. The honourable gentleman would have to wait until they became historical and until the exigency that required their suppression had passed away. The papers which had been sent down completed the case which the Government presented to the House as being

the basis of the policy which they had the honor to submit.

Hon. Mr. MACKENZIE said that it had already become historical that the Government had sent a protest against the Treaty. The Minister of Public Works had so stated at Quebec. If he had done so without authority, then the leader of the Government might ask the forbearance of the House. But the statement having been made publicly, he thought the House entitled to the information. The honourable gentleman had stated the other day that when the papers were brought down it would be seen that the Imperial Government had requested the Government here not to call Parliament together at the usual time, but he could find nothing in the papers about it. He thought the House should know what reason the Imperial Government had given.

Hon. Sir JOHN A. MACDONALD replied that no statement made by him to-day was inconsistent with any previous one. The Minister of Public Works had made certain statements in a speech to his constituents which he (Mr. Langevin) would explain at the proper time. The delay in calling Parliament together might or might not have connection with the Fishery Articles. He denied that he had ever said the papers would show the reasons why Her Majesty's Government had asked that Parliament should be postponed.

Hon. Mr. BLAKE assumed that the Government had brought down the papers necessary to make out their case. He had noticed certain omissions however, which he thought should be supplied for the information of the House. He noticed that there was a despatch dated 17th March, 1871, from the Imperial Government in answer to a telegraphic despatch of the Canadian Government of the 10th March, and he thought the latter despatch should be sent down. He had observed in the despatch dated February 16th, 1871, that the First Minister had been informed, through His Excellency, anterior to the acceptance of his appointment as a member of the Joint High Commission, of the impossibility of the Imperial Government pledging itself to any foregone conclusion with reference to the Fishery question. He did not find any despatch that had reached this country anterior to the appointment of the honourable gentleman.

Hon. Sir JOHN A. MACDONALD would inquire about the despatch of the 10th March. With respect to the telegraphic

message alluded to it could not be sent down as it was a despatch in cypher. There was in fact no necessity for bringing it down as the formal despatch contained *in extenso* all that that message contained in brief, the only difference being that one was received before and the other after his acceptance of the office.

Hon. Mr. MACKENZIE asked whether it was the intention of the leader of the Government to bring down the despatch giving the reasons of the Imperial Government for requesting the postponement of the meeting of Parliament.

Hon. Sir JOHN A. MACDONALD could not answer the question at once. He might be able to do so in a few minutes, but at all events he would on Monday.

GOVERNMENT ORDERS.

Hon. Mr. HOWE moved the House into Committee to take into consideration the following resolution:

Resolved—That out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the sum of forty-five thousand dollars shall be annually applied, for the term of five years, from the first day of July, one thousand eight hundred and seventy-two, to defray the expenses of the Geological Survey of Canada, during the said term, which sum shall be paid at such times, in such manner, to such persons, and for such purposes relating to the said Geological Survey, as the Governor in Council may from time to time direct, subject to the provisions of the Act 31st, Vic., Cap. 67, which shall continue to apply to the said Geological Survey, as heretofore, and any balance remaining unexpended out of the sum appropriated for any one year, may be applied and expended in the next or any subsequent year, in addition to the sum appropriated for such next or subsequent year.

Hon. Mr. HOWE said the Government had considered the suggestion of the member for Lambton as to making the geological staff a portion of the Civil Service proper, and they had decided to adhere to the former practice. They were virtually members of the Civil Service now, but for reasons already explained it was thought better to vote the amount necessary for the work as before.

Hon. Mr. MACKENZIE regretted the decision of the Government. It showed a want of confidence in Parliament. It would appear that they did not think it desirable that the geological survey should be protected and provided for as a regular branch of the public service. He thought differently, and had no doubt that the survey would be well conducted by the gentleman at present at the head of it, as it had been by Sir William Logan. He would like to know whether the salaries of the gentlemen connected with the survey were subject to deduction under the Superannuation Act.

Hon. Sir J. A. Macdonald.

Hon. Mr. HOWE said they were.

Hon. Mr. MACKENZIE thought that another reason why the Government should reconsider the matter.

Hon. Mr. MACDOUGALL thought the mode of conducting the business of the survey a serious disadvantage to the public. He referred more particularly to the manner of publishing the reports. He had ascertained that the head of the survey, Mr. Selwyn, a very distinguished scientific gentleman, who had been recommended for the position by Sir Wm. Logan, had to attend at Ottawa for the purpose of proof reading and looking after the printing of his report. He knew that the Geological report, from its highly scientific character, and the use of terms not commonly understood by proof readers required the constant supervision of some one familiar with those matters, but he thought it an awkward and expensive arrangement that the head of the Survey whose office was at Montreal should be compelled to come to Ottawa for that purpose. He thought the printing could be done in Montreal quite as cheaply and more efficiently. With regard to the question raised by the member for Lambton as to the rule, of which this is an exception, of voting money yearly, he thought this whole establishment must be considered as exceptional. The fact that it was under the control of the Dominion Government and at the same time had relation chiefly to subjects which were by the constitution under the control of the Local Governments was of itself an exceptional condition. He approved, however, of the plan of having one survey for the whole Dominion in preference to separate provincial surveys. He believed that the work had been performed in an admirable manner and to the satisfaction of scientific men abroad, much more so he believed than similar surveys of our neighbours. He thought that the vote for five or six years gave confidence to the officers, and he differed from the member for Lambton as to the expediency of leaving the question to the discretion of Parliament from session to session. As to the general principle of Parliament keeping money under its control and voting each year the amounts required, he agreed with the member for Lambton. But of late we had seen a different principle adopted, when it was thought proper, with regard to one great public interest (referring to the Ontario Railway policy) to anticipate the revenue of the country for the next twenty years (hear, hear).

Hon. Mr. MACKENZIE said the honorable gentleman had spoken in ignorance of the vote he had alluded to, but he (Mr. Mackenzie) was not here to defend the action of another Legislature, and he would give no further reply. He thought the printing of the Geological Report should be done at the Capital and that their headquarters should also be there. He thought the public printing was very creditably done and if necessary the proof could be sent to Montreal for correction.

Dr. GRANT was pleased to hear the remarks of the member for Lambton as to the manner in which the work of the survey had been performed. There was no subject that came before the House of greater importance. He thought the vote too small considering the extent of the service. During the last season great exertions had been made to elicit some information with reference to the geology of British Columbia, and a large tract of country there required yet to be explored. The Department should have its headquarters here. He did not think that McGill College required the museum in Montreal, as they had a large collection of their own sufficient for all purposes of education.

Mr. WORKMAN (Montreal) bore testimony to the great benefit derived from Geological Surveys, and hoped the House would grant the money.

Hon. Mr. MACKENZIE did not think the country owned the museum at Montreal and therefore it could not be moved to Ottawa.

Mr. DE COSMOS (B. Columbia) spoke of the surveys that had been prosecuted in British Columbia, the results of which would be gratifying not only to scientific men, but to the world at large. He spoke of the way in which the matter had been carried on in California and Oregon, where men of the highest attainments were engaged, who principally directed their attention to what was termed economical geology, the results being most beneficial, and hoped that in any directions or instructions given to the gentlemen who might be chosen in Canada, they should be asked to attend particularly to that branch. He was sure that every gentleman, no matter what his province, would gladly agree to an appropriation for a matter so important.

Mr. MILLS (Bothwell) thought the matter was entirely one with which the Local Governments should deal. If, however, a Geological Department was to be established and surveys made, it should certainly be connected with one of the

public Departments, and steps should be taken to establish a Geological Cabinet in Ottawa showing the various products of the different parts of Canada. He instanced the Department at Washington as an instance of what this should be. Until Government was prepared to establish something of this kind, he did not think much good could result, for as things were at present the resources of the country were known to a few scientific men only, while practical men who desired to develop those resources could get no information. He thought that wherever a Province was established, that Province should carry on its own surveys, but that the Dominion Government might act in those territories not forming Provinces. He should not however press this objection, but should move in amendment that it was expedient to connect the surveys with one of the Departments, and that a geological cabinet should be formed at the Capital.

Hon. Mr. HOWE thought that there could be no advantage in a subdivision of surveys. The separate Provinces had not as yet done what was necessary, and Manitoba, for instance, could not possibly be in a position to take the matter in hand. It was very important that the North-West should be surveyed at once, as no doubt there would be immense deposits of coal disclosed. It would seem as if public men were born to disparage one another, but there was one name that all must mention with honor and respect—Sir William Logan—a man who had devoted his whole life and means to the prosecution of this matter; and though there might be an advantage in moving the headquarters of the staff from Montreal to Ottawa, it would be hard to move Sir William Logan, who, as long as he lived, would continue to be the life and soul of the branch, no matter who might be the nominal head. As to the remarks of the member for North Lanark with respect to printing the reports, that gentleman was no doubt correct in what he had said, but there were certain difficulties in the way of printing the reports at Ottawa, but he hoped the volume shortly to be submitted to the House would show that those difficulties had been surmounted in the best way possible.

Hon. Mr. BLAKE thought the remarks of the member for Bothwell deserved the serious attention of the Government. There seems to be some difference of opinion as to whether the Museum at Montreal was public property or not, and he thought the House ought to be informed on the point. A Geological Cab-

net was the most enduring memorial, and the most available result of researches, and should be established. He desired to get information on another point. The last vote of the House had been \$30,000 annually for five years, but the present proposal was to increase that amount fifty per cent. Upon what estimate was this increase based. He was not opposed to voting any reasonable sum that could be properly expended, but he thought the proposed increase should be explained.

Hon. Mr. HOWE said that with regard to the Museum, he believed Sir William Logan had his own very choice and valuable collection, but there was also a larger collection belonging to the country, and while the present arrangement lasted, the public had the benefit of both. A strong reason that these collections should remain at Montreal was that that city was in the direct course of the traffic of the St. Lawrence, so that twenty people visited it, while one came to Ottawa. As to the proposed increase, it was based upon an estimate by Mr. Selwyn, and was intended to cover the additional cost of exploring the North West and British Columbia.

Hon. Mr. BLAKE thought there should be a statement of the collection belonging to the public at Montreal, and that all necessary steps should be taken to preserve it.

Dr. GRANT maintained that the collection ought to be moved to Ottawa, so that during the session the representatives of the people might be able to carry back to the constituents throughout the country a knowledge of what had been accomplished. He believed that the building now containing the collection was not secure, and thought it high time that means should be taken to place it in security.

Colonel CUMBERLAND was understood to refer to the recent proceedings in the Ontario Parliament, alleging that the members of that Government now so anxious for economy had not hesitated there to mortgage the whole Province for many years, and to increase in many ways the expenditure.

Hon. Mr. MACKENZIE said that the former Act allowing \$30,000 annually provided that a statement in detail of the expenditure should be submitted to the House within 15 days of the meeting of Parliament. The public accounts, however, merely mentioned one or two salaries and then placed \$29,000 to the current expenses. He asked for the necessary statement.

Mr. Mills.

Hon. Sir JOHN A. MACDONALD referred to the remarks of the member for Bothwell as to whether the Local or Dominion Government should deal with the matter, and in which he had the high authority of the member for West Durham in support of the principle laid down by him, and said that if they were correct he was rather surprised the matter should have been allowed to go on so far. With respect to the remarks of the survey being merely scientific and not sufficiently practical, by not being a minute survey of the mineral resources of the country, he thought the subject was very well divided under the present system, and that while the geological character of the whole Dominion could be successful, ascertained and mapped out by the Dominion Government—the schools of mining established by the different provinces might simply direct their attention to that branch of the subject in which the Province might be particularly interested. With respect to the amendment proposed by the member for Bothwell he thought it was not required. As to the first part the survey was already connected with the Department of the Secretary of State for the Provinces who was the responsible Minister in the matter, and the mere fact of the Superintendent of the survey being in Montreal did not do away with that responsibility. He did not think it necessary to enter into the question as to whether the museum should be removed to Ottawa or retained at Montreal, but he did not think there was at present any secure building at the Capital, at the disposal of the Government to which the specimens could be removed. Before any removal could take place therefore, such a building would have to be erected and it would be better therefore to let the collection remain at Montreal for the present under the supervision of Mr. Selwyn and Sir W. Logan. The last part of the amendment as to the formation of a Geological Cabinet was worthy of all consideration and the Secretary of State for the Provinces would no doubt confer with Mr. Selwyn on the subject. With this assurance he suggested the withdrawal of the amendment.

Hon. J. S. MACDONALD said that for 25 years a great amount of money seemed to have been expended without any adequate result. Under the present system comparatively few people knew what was done. He thought that while Ontario attended to its Local interests in the matter, there could be no objection to the Dominion maintaining a survey throughout

the whole country. He thought all the specimens belonging to the public should be brought to Ottawa and he should be fully prepared to vote a proper sum for the erection of a building for their reception. He objected to that part of the proposition that if the full amount was not expended in any one year the balance should be available for the next. Any surplus ought to lapse and he hoped there would be a change in that respect. He did not object to the vote extending over five years.

Hon. Mr. BLANCHET hoped the Secretary of State for the Provinces would see the necessity of having the North West surveyed at once. Sometime ago it had been stated in newspapers that gold had been discovered at Peace River, and there had been extraordinary excitement on the subject. He thought there ought to be official information on the subject, as there was in America. He thought the locality of the Museum immaterial and that the name of Sir W. Logan was sufficiently well known to draw enquiring capitalists to him wherever he might be.

Hon. Mr. HOLTON should not object to the appropriation, but thought there ought to be an annual vote, and if in the progress of the measure an amendment was introduced with that view he should certainly support it. Under the old Act the appropriation was \$30,000, but the public accounts for 1866 showed an expenditure of 36,400, the excess being nowhere accounted for. He thought this should be explained.

Hon. Sir FRANCIS HINCKS said the question was one which it would have been better to have asked of the Committee on Public Accounts, as he could scarcely explain every item in the public accounts, but his impression was that there would prove to have been no excess over the total appropriation, and that there had been a larger expenditure in this particular year than in the others.

Mr. THOMPSON [B. Columbia] was sorry that there should be so much debate about so paltry an amount as \$45,000, and would have rather wished that that sum should have been doubled, trebled, or quadrupled, and then something could have been accomplished. It was very important that emigrants should have full information as to the resources of each portion of the Dominion, and if the matter were left to the different Provinces they might be tempted to give spurious information to attract emigration to their own lands; but the fact of the Dominion having obtained the information would be a sufficient guarantee of t

correctness. He repeated that he was only sorry the amount was so small. (Cheers.)

Hon. Mr. E. B. WOOD thought the House had a perfect right to make an appropriation, and that it could be done without clashing with the proceedings of the Provinces. He took no exception to the increase, but he did to the mode in which it was proposed to be done, as he thought there ought to be an annual vote. The principle was wrong, and full statements and information ought to be given each year and a vote obtained annually. There was no reason that this should be an exception to the general rule.

Mr. MILLS (Bothwell) said he would withdraw his amendment after the remarks of the Minister of Justice.

The Committee then rose and reported the resolution adopted.

LARCENY OF STAMPS.

Hon. Sir JOHN A. MACONALD introduced a Bill to render the larceny of Stamps criminal.

PUBLIC OFFICERS BONDS.

Hon. Sir JOHN A. MACDONALD introduced a Bill to provide a uniform Bond for all Officers of the Public Service required to give security.

BANKS AND BANKING.

Hon. Sir FRANCIS HINCKS moved the House in Committee to consider certain resolutions respecting Banks and Banking. (Mr. Street in the Chair.)

The House being in Committee Hon. Sir FRANCIS HINCKS moved

"1. That it is expedient to amend Section 16 of the Government Savings Bank Act 34 Vic., Cap. 6, by providing that the surplus of the assets of the St. John Savings Bank over its liabilities on the 1st July, 1867, which has been ascertained to be \$39,560.44, shall be left in the hands of the Trustees of that Institution to be by them appropriated to some local purpose of public interest, subject to the approval of the Governor in Council, and by providing that the surplus of the assets of the Northumberland and Durham Savings Bank over its liabilities on the 10th April, 1872, shall be left in the hands of the Trustees of that Institution, to be by them appropriated to some local purpose or purposes of public interest, subject to the approval of the Governor in Council."

Hon. Sir FRANCIS HINCKS said the object of this resolution was to amend the Act of last session respecting Savings Banks. That Act had been framed with reference to certain Savings Banks in Ontario and Quebec. At the time he had been under the impression that the Banks of Nova Scotia and New Brunswick were Government Savings Banks, and it was only after the passage of the Act that it became known that the Bank at St. John

was not such, and had always been managed by Trustees. Those Trustees felt that they should be treated in the same way as other Banks, and the Government proposed to take over the Bank, leaving the Trustees to deal with their surplus in the same way as the Trustees of other Banks. This was the result of an arrangement with them with which they were satisfied. He then explained the position of the Northumberland and Durham Bank.

Hon. Mr. BLAKE said he knew nothing of the first case, nor did he intend to oppose the resolution as to the second, but the Committee ought to understand that it was a divergence from the purposes to which the surplus was dedicated by the Act under which the bank was incorporated. That Act prescribed and limited the mode of applying the surplus. For many years the bank had carried on a successful business, and had a very large amount in hand which was now to be disposed of in some undefined way. The hon. gentleman might say that his proposal was the only course that could be adopted, and he merely wished to call the attention of the Committee to the fact without expressing any hostility.

Hon. Sir FRANCIS HINCKS said what the hon. gentleman had said was quite correct, but the Act had been intended to apply to large cities where there were many charitable institutions to which the surplus could be applied, but he believed that in the case of the Northumberland and Durham Bank there were no such institutions, and the act could not be carried out. Consequently the sum of \$87,669 had accumulated, and the trustees were anxious that it should be appropriated to some public purpose, and he knew of no better mode of meeting the difficulty than that proposed.

Hon. Mr. HOLTON asked to what purpose the Minister of Finance thought the money could properly be applied. The effect of the resolution was certainly to divert the surplus from its original object.

Hon. Mr. BLAKE suggested the expediency of inserting some words to indicate the cause of the divergence.

Hon. Sir FRANCIS HINCKS said he had no objection to do so. He assured the member for Chateauguay that he had no idea in what way it was proposed to deal with the surplus, and did not think the trustees had decided on the point. He should be disposed to leave the matter to them.

Mr. ANGLIN said that no law existed declaring how the profits of the St. John Savings Bank were to be appropriated.

Mr. Thompson.

Some years ago the trustees concluded to put up the present Savings Bank building from those funds, and their doing so was the cause of considerable discussion at the time. He thought it would be well to determine how the money should be appropriated. It belonged, unquestionably, to the depositors, three fourths or nine tenths of whom were working men and servant maids, and it should be applied for the benefit of the working classes. They had a Catholic and a Protestant Hospital at St John, they were not incorporated, and therefore could not under the present law receive the money, but it would be easy to have an Act passed incorporating them. He had heard it said that the money should be devoted to the establishment of an Art Gallery or Library, but he did not think either would benefit the working classes. He would like to see the money divided between the two Hospitals in preference to the Trustees being allowed to distribute it as they may choose.

Hon. Sir F. HINCKS concurred to a certain extent with the honourable member for Gloucester. He believed one or two persons had suggested that the money should be applied to the establishment of an art gallery or library, but he felt sure that the trustees would not entertain such a proposition. He doubted the expediency of this House undertaking to say that the money should be applied for mere local objects. He believed that it would be applied to such objects as the hon. gentleman had suggested, but he thought it only proper to leave it to those under whose good management it had been accrued.

Hon. Mr. HOLTON thought the objects of the original law were so clearly set forth that some general provisions should be made binding the trustees to certain purposes to which the money should be appropriated.

Hon. J. H. CAMERON thought it better that the money should be distributed under judicial authority, rather than being left in the hands of the trustees, and suggested that it would be better to allow the resolution to stand until another day.

Hon. Sir FRANCIS HINCKS could not see any objection to the resolution passing as any amendment could be made in the Bill.

The first clause of the resolution was then passed.

2. That it is expedient to amend the Act relating to banks and banking by correcting a clerical error in section 72, by protecting

innocent parties to notes and bills in certain cases under section 52, and by enabling banks to receive deposits of savings for minors and others, under certain limitations.

Hon. Sir FRANCIS HINCKS explained the object of the second clause which was passed without discussion.

AFTER RECESS.

3. That it is expedient to amend the Act regulating the issue of Dominion Notes 31 Vict., cap. 46, by providing that the amount of any excess over nine million dollars may be held by the Receiver General partly in specie and partly in deposits in Chartered Banks.

Hon. Sir FRANCIS HINCKS explained that the object of the third clause was to remedy an inconvenience which had been found to exist in regard to the circulation of Dominion notes. By the Dominion Note Act the Government was required, up to a certain point—to the extent of \$9,000,000—to keep twenty per cent. in specie, and beyond that amount they were bound to hold, in gold, dollar for dollar. The circulation had increased considerably beyond \$9,000,000, and they asked to be allowed to issue beyond that amount upon the deposits of chartered Banks, but never holding less than twenty per cent in gold. It would be a matter of considerable advantage to the Banks without being of any disadvantage to the Government. Inasmuch as the circulation is considerably beyond \$9,000,000 and is likely to still increase, there is no inducement to the Banks to issue small notes, and he had reason to believe that at present there were complaints in various parts of the country of the insufficiency of small notes, and he could see no objection to the amendment proposed.

Hon. Mr. HOLTON said his earnest desire was to support the Government, and he always tried to do so (laughter). He asked whether it was proposed to deal with the ordinary balances of the Government in the banks as equivalent to a portion of specie reserve to meet Dominion notes.

Hon. Sir F. HINCKS—Of course the Government will be perfectly prepared in dealing with Dominion notes to deal with any funds at their disposal.

Hon. Mr. HOLTON.—If he understood the proposition of the hon. minister of Finance he proposed to deal with deposits in the Banks as if they were so much specie for all the purposes of his currency

Act. What he desired to know was whether all the balance of the Government in the Banks were to be so considered, or whether he proposed to specialize certain balances as available for that purpose. He could understand the desire of the hon. gentleman to have a large balance at his credit at the Bank of Montreal, awaiting disposition for various purposes. He would like to know whether he contemplated using, or having the power to use such balance as the basis of issue of currency. If such were the case he could see a practical objection. The issues would be large when money was plentiful, but the moment the demands of Government required the use of those funds the hon. gentlemen would have to tighten the money market by calling in the issues.

Hon. Sir FRANCIS HINCKS explained that there was no danger. It might occur were the Government able to expand the circulation, but it was to be observed that the circulation could only be expanded through the instrumentality of the banks. The Government had never issued a single note other than at the request of the banks. If the banks wanted notes they applied for them, and of course when they got them, the Government had to keep a specie reserve of 20 per cent., and as far as he was concerned he had no hesitation in saying, he thought that while he occupied the position he did, he should unquestionably keep a reserve of twenty-five instead of twenty per cent. so that there would be a margin of five per cent. for fluctuations, which constantly occur in circulation, but the Government had no desire to extend the circulation. His hon. friend wanted to restrict the money which they had in the banks because he feared it would be made the basis of an expanded circulation. Although the proposed amendment would be more advantageous to the banks than the present arrangement he was quite sure they (the banks) would not circulate one dollar of Government money if they could circulate their own.

Mr. ANGLIN thought the matter should be fully discussed. The intention of the Act now in the Statute book was to limit the circulation to \$9,000,000, beyond which, dollar for dollar should be held in gold. As he understood it, the Government wanted unlimited power to circulate. He considered that the proposition was for the benefit of the banks, and particularly the Bank of Montreal, and if any benefit was to be derived from the increased circulation, he thought the public should have it. He suggested that the

larger notes should be withdrawn and smaller ones issued.

Mr. WORKMAN considered the measure was one required by the country, as he knew from personal experience both as a merchant and banker, that small notes were very difficult to get, not only in trade, but mechanics and others found great difficulty in getting them. He could see no objection to, but on the contrary, thought the measure should pass.

Hon. Sir F. HINCKS, in reply to Hon. Mr. MACKENZIE, explained that there was at present no inducement to banks to circulate small notes, but if the proposed amendment was passed, it would be to the interests of the banks to co-operate with the Government in the circulation of small notes.

Mr. CARTWRIGHT cautioned the House against authorizing too large a circulation, which the Government might be called upon to redeem at any moment should a financial crisis occur.

Hon. Sir F. HINCKS did not see the slightest necessity for the apprehensions expressed by his hon. friend. The banks were bound by law to hold half their reserves in Dominion notes, and they were held chiefly in large notes. Considering the extent of the Dominion over which the notes not circulated the Government could hardly be called upon at one time to redeem the whole of them. And they could get any amount of gold they might require from New York in twenty-four hours. With regard to the Savings Bank deposits, there was not the slightest danger of a run upon the Government. His constant aim since he had held office, had been to reduce the debt of the country from a six to a five per cent interest, and he had partly succeeded in so doing. They were getting interest on \$7,200,000, and he did not think it prudent to go beyond \$9,000,000 of securities. He merely asked to treat the deposits in the Bank as equivalent to gold.

Mr. M. P. RYAN complimented the Minister of Finance on his successful policy, and attributed the increased circulation to the withdrawal of specie, particularly American silver, amounting to over \$6,000,000, which was greatly appreciated by all the country. He should support the amendment.

Mr. GIBBS did not see there was any material change to be introduced except to enable the Minister of Finance in his returns to act in accordance with the Act. At present the Act was not prejudicial, but such might not always be the case

Hon. Mr. Holton.

and he thought there should be no desire to embarrass the Minister of Finance in carrying out the Act. The country certainly required a larger circulation of small notes, and if the Government acted in good faith no harm could result.

Hon. E. B. WOOD said it appeared that the Act had worked well, that the public had confidence in the Act, and that the Government had carried out substantially the provisions of the Act to the extent of the issue of \$4,000,000, while the country was secured, the Government got the use of \$9,000,000 without paying interest, and therefore the country gained. It was now found that in the interest of the country the banks required a larger circulation, and if the Government proposed to give the same security as for the \$9,000,000 already authorized that security would have been good.

Hon. Sir FRANCIS HINCKS desired to explain the matter, so that the Committee might understand it. The Government were now getting the interest on \$7,200,000, and if he thought it safe to increase that amount he would propose to do so, but he did not. He showed that on a certain date, though the Government had nearly \$1,000,000 in gold in excess of the 25 per cent. of the circulation they were compelled to hold, yet the terms of the Act had obliged them to withdraw \$200,000 of the circulation, and it was to meet this difficulty that the proposal was made. He knew that a greater circulation in small notes was needed, but that was not the immediate cause for the resolution, but it was to do away with the difficulty that had arisen, and he was sure that it was in the interest of the Government and the public that the resolution should pass.

The resolution was then passed.

Hon. Sir FRANCIS HINCKS then moved that it is expedient to consolidate Acts respecting Public Debt and the raising of loans so as to make one Act applicable to all future loans, and amend the same by enabling the Governor in Council, in raising any loan hereinafter authorized, to establish a sinking fund not exceeding one half or one per cent per annum for paying of the same, and to change the form of any part of the funded debt by substituting one class of securities for another, provided the annual charge for interest be not increased, and to effect temporary loans for a limited time, and at a limited rate of interest in cases of temporary deficiency in the consolidated revenue fund to meet the charges on it. He said the object was that, whereas ac-

cording to the present law the debt might be changed in character but not in amount, the law might be consolidated, but there was no particular deviation from the present state of things.

Hon. Mr. HOLTON would reserve any remarks until the Bill to be founded on the resolution was introduced.

Resolution carried and Committee rose and reported.

Mr. SPEAKER reported the concurrence of the Senate in the address to the Queen on the recovery of the Prince of Wales.

Mr. SPEAKER also reported a message from the Senate appointing Committees to act with the House of Commons with regard to library and printing.

Mr. WALLACE (Vancouver Island) asked whether the Government intended to appoint during the present year an officer or officers to administer the Indian affairs in British Columbia.

Hon. Sir GEORGE CARTIER replied in the affirmative.

Mr. WALLACE (Vancouver Island) asked whether it was the intention of the Government to employ an armed vessel to cruise in the waters of British Columbia for the protection of outlying settlers against depredations by the Indians, and at the same time to assist in the suppression of the present illicit and pernicious traffic in alcoholic liquors among the Indian tribes.

Hon. Sir GEORGE E. CARTIER said the Imperial Government had provided a vessel for this purpose, and consequently there was no necessity for the Canadian Government to do so.

Hon. Mr. BLANCHET asked whether it was the intention of the Government to fix the terminus of the Intercolonial Railway at Levis, opposite Quebec, constructing a branch line from St. Charles, County Bellechass, through the parishes of Beaumont and St. Joseph de Levis.

Hon. Mr. LANGEVIN replied that the Government could not state their intention on the subject until the Intercolonial was completed.

Mr. MACDOUGALL (South Renfrew) moved for a return of the cases decided by the Dominion Board of Arbitrators since Confederation. Carried.

The House then adjourned at 9:35 p.m.

SENATE.

MONDAY, 22nd April, 1872.

The SPEAKER took the chair at three o'clock.

PETITIONS.

The following petitions were read :

Of Messrs. J. B. Osborne and Son, and others of Beamsville and elsewhere in the Province of Ontario.

Of Messrs. Domville and Co., and others of the City of St. John, in the Province of New Brunswick.

Of Thomas E. Grindon, of the City of Saint John, in the Province of New Brunswick, aforesaid.

Of W. H. Howland and others of the City of Toronto, and of the Saint Lawrence and Ottawa Railway Company.

Of the Great Western Railway Company, and of the Detroit River Tunnel Company.

Of the Board of Trade of the City of Montreal, and of R. J. Reekie and others of the Dominion of Canada.

COMMITTEES.

On motion of Hon. Mr. SEYMOUR, the quorum of the Committee on Contingent Accounts was reduced to 9.

On motion of Hon. Mr. SANBORN, the quorum of the Printing Committee was reduced to 9.

Hon. Mr. HAZEN, from the Committee on Standing Orders and Private Bills, reported favourably on following petitions:

Of Sir Hugh Allan, President of the Montreal Telegraph Company, praying for certain amendments to their Act of Incorporation.

Of E. Martineau, Mayor of Ottawa, and others of the same city, praying to be incorporated as "the Quebec Pacific Railway Co."

Of the Grand Trunk Railway Company of Canada; praying for the passing of an Act to legalize a certain agreement between the said Company and the International Bridge Company, and for other purposes.

Of Sir Hugh Allan and others of the City of Montreal; praying to be incorporated as "The Canada Railway Equipment Company."

Of John H. Gray, of the City of Ottawa, and others of the City of London, England; praying for the passing of an Act to incorporate "The Thunder Bay Silver Mines Telegraph Company."

Also praying for the passing of an Act to incorporate "The Thunder Bay Silver Mines Railway Company,"

Mr. Speaker.

And also praying for the passing of an Act to incorporate "The Thunder Bay Silver Mines Bank."

Of D. B. Chisholm, Mayor, and others of the City of Hamilton, praying to be incorporated as "The Bank of Hamilton."

DIVORCE.

The reading of a petition of J. Robert Martin, of Cayuga, in the county of Haldimand, was deferred until Tuesday next, in order that certain formalities be complied with by petitioner.

CANAL EXTENSION.

Hon. Mr. BOURINOT gave notice of an enquiry with respect to the construction of a canal to connect Bras d'Or Lake with the waters of Sydney harbour, Cape Breton.

ST. LAWRENCE NAVIGATION.

Hon. Mr. LETELLIER DE ST. JUST gave notice of an enquiry with respect to the improvement of navigation on the Lower St. Lawrence, and in doing so called the attention of the Minister of Marine and Fisheries, to the difficulties and loss of life that occurred last fall. Very many vessels had been lost, some of them of large size. And more lives would have been lost had it not been for the humane exertions of the inhabitants on the banks who went out in their small canoes at a great risk. The Government should either have a tow-boat or encourage others to have such facilities for saving life and property on the St. Lawrence, especially when the late season arrives and casualties are most likely to occur.

Hon. Mr. MITCHELL replied that the Government, like his hon. friend, had deeply regretted the casualties last year, but it would be remembered that the severe weather had set in remarkably early, and taken shipowners by surprise. He had looked with much interest on the highly praiseworthy exertions made by the habitants to save life and property. The subject to which the hon. gentleman had called attention had been brought to the notice of the Government, and was now under its consideration. It should be remembered that there was a very efficient Tug-boat Company on the river, and the Government felt that they should not interfere with private enterprise when it was energetically carried on. The plan laid down by the Government was not to compete with private enterprise, but rather to step in and give their aid when that private enterprise was not in a posi-

tion to afford the requisite succor. Charges had been indeed brought against the Government that they had allowed their steamers to go down and perform the work under peculiar circumstances. It had been his delicate duty to know where to draw the line.

JUDGES' SALARIES.

Hon. Mr. MILLER said that the enquiry which he was about to make, was similar to one he had made last session, when he was sorry to say the response had not been satisfactory. He could not understand why the distinction between the salaries of the Superior Court Judges in the different Provinces had not been removed long before this. It might be said that when the Maritime Provinces came into Confederation, their salaries were not so high as those of the Judges in the Upper Provinces; but he did not think that argument at all met the case. Before Confederation the Lower Provinces had a right to pay what they chose, but now they were called upon to provide for the higher salaries in the upper provinces, whilst the remuneration of their own judges remained unchanged. It must be remembered, too, that the cost of living in the Lower Provinces, especially in Halifax where all the judges except one resided, was increased some forty or fifty per cent., and it was unreasonable to expect that the salary of eight or ten years ago would be sufficient for the same class of persons at the present time. In Nova Scotia the cost of the administration of justice was far less than it was in any other province. Her judges were called upon to do duty which is performed by judges of Inferior Courts in the other sections of Canada. That province had no County Judges as in New Brunswick and Ontario, or District Judges as in Quebec. That province had before the Confederation a duty of 10 per cent. *ad valorem*, whilst Canada had 15 per cent.; but was it any argument to say that the ten per cent. ought to be continued. Nova Scotia had no stamp duty, like Ontario or Quebec. It was no argument to say that it would be, therefore, unfair to impose this taxation. So with respect to postage on newspapers. In all these cases the taxation of the Lower Provinces had been brought up to that of Canada, and he could not understand why the salaries should not be equalized on the same principle. With these remarks he asked:

Whether it is the intention of the Government to introduce a measure during this Session to reduce the salaries of the Judges of the Supreme Courts in Ontario and Quebec to a level with those

of the same officials in the Maritime Provinces, or otherwise to remove the distinctions now existing in regard to the payment of these officers and the regulation of their retiring allowances?

Hon. Mr. CAMPBELL replied that the salaries in the various Provinces had been continued as they were before Confederation, with the exception of a certain increase made to the judges in the Lower Provinces. It should be known, however, that there was a considerable discrepancy between the salaries of the judges of the superior courts of Ontario and those of Quebec; and it was inevitable because the systems were different. Taking, however, the average of the salaries paid in the Province of Quebec, there would not be found much discrepancy between them and the amount given to the judges of the Maritime Provinces. He acknowledged that there was considerable force in the remarks with respect to the contributions made by Nova Scotia and New Brunswick, but at the same time one was bound to consider the nature of the duties performed, and their relative importance. He would also confess that the cost of living had greatly increased throughout the Dominion, in Ontario as well as in Nova Scotia; and he thought another Parliament would undoubtedly have to deal with the question of remuneration to all the officers throughout the country who are working in the interests of the public. In reply, however, to the inquiry of the hon. gentleman, he would say that it was not the present intention of the Government to remove the distinction to which reference had been made.

Hon. Mr. LETELLIER DE ST. JUST said that if he occupied a responsible position like gentlemen opposite he would not wait until another Parliament to increase what he honestly believed was an inadequate salary.

Hon. Mr. LOCKE—Are not the salaries in Ontario higher than those in the other Provinces?

Hon. Mr. CAMPBELL—They are somewhat higher.

Hon. Mr. WILMOT referred to the increase in the cost of living within the past ten years, and the propriety of equalizing the salaries of the Judges, especially in view of the large contribution to Customs by the Maritime Provinces—larger in proportion than that made by the old Province of Canada. He could not understand why such a distinction should be made in the case of men so highly qualified to fill the position as were the Judges of the Maritime Provinces.

Hon. Mr. MITCHELL agreed with the remarks of his hon. colleague that the

question of salaries might have to be dealt with in another Parliament.

Hon. Mr. LOCKE was curious to know whether there was to be a radical change in that new Parliament to which reference was made (laughter).

STATUTES.

The House then went into Committee, Hon. Mr. Hamilton in the Chair, and passed the Bill with respect to the custody of the Statutes of Canada.

MESSAGE.

Hon. Mr. CAMPBELL announced a Message from His Excellency graciously acknowledging receipt of the Address of the Senate.

The House then adjourned.

HOUSE OF COMMONS.

MONDAY, 22nd April, 1872.

The Speaker took the chair at 3 p.m.

A number of petitions were read

Mr. GIBBS presented the first report of the Joint Committee on Public Accounts. It recommended that a quorum of the Committee should consist of nine members, which was carried.

Mr. HARRISON, seconded by Mr. STREET, moved for leave to introduce a Bill to incorporate the *Mail Publishing Company*. Read a first time.

Mr. HARRISON also moved for leave to introduce a Bill to amend the Act relating to the carrying of dangerous weapons. Read a first time.

Hon. Sir FRANCIS HINCKS submitted certain statements concerning claims for losses by the rebellion in Manitoba, and a statement of the affairs of the Bank of Upper Canada.

Mr. HARRISON introduced a Bill to extend the right of appeal in criminal cases. Read a first time.

QUESTIONS BY MEMBERS.

In answer to Mr. HARRISON,

Hon. Sir F. HINCKS said after the proceedings of last session it was not the intention of the Government to recommend the placing of duties on flour, wheat, corn, &c.

Hon. Mr. GRAY—Whether any arrangement has been come to between the Dominion Government and the Ontario Government, pending the investigation into the differences to the Western bounds of Ontario, touching the mining rights, or the granting the Letters Patent in the disputed territory, whereby the develop-

ment of that region can be satisfactorily carried on, and future litigation avoided?

Hon. Sir JOHN A. MACDONALD said there had been correspondence on the subject of the boundary line, which Government intended to bring down, but no question had been raised as to the mining rights.

Hon. Mr. GRAY—Whether any steps have been taken by the Dominion Government to determine the exact position of the boundary line at the N. W. angle of the Lake of the Woods, so as to prevent future difficulties with the United States relative thereto?

Hon. Sir JOHN A. MACDONALD said that a Commission would be appointed for the purpose.

Mr. FOURNIER—Whether it is the intention of the Government to take any action to compel the Hon. Judge Bosse, appointed to perform judicial functions for Districts of Montmagny and Beauce, to comply with the order of the Government of Quebec, dated 7th April, 1869, directing him to reside at St. Thomas de Montmagny, and ordering him to establish his domicile there as soon as possible.

Hon. Sir JOHN A. MACDONALD said the matter rested with the Local Government, and it was only, in case of impeachment, that the General Government could interfere. No petitions had been presented to Parliament.

Mr. GODIN—Whether it is the intention of the Government to issue regulations for the protection of fish in the inland lakes and rivers and to grant licenses for fishing in these lakes and rivers under such suitable restrictions as will prevent the destruction of the fish in them, and whether permission will be granted to Canadians to exercise this branch of industry to their own profit to the exclusion of foreigners, or whether leave will be given to foreigners to engage in the business concurrently with Canadians?

Hon. Dr. TUPPER—It is the intention of the Government to issue regulations so far as Canadians are concerned, but it is not the intention to grant concurrent privileges to foreigners.

Mr. GODIN—Whether it is the intention of the Government to pay the claims that have been sent in to it by hotel keepers and waggon owners, who have boarded or provided transport for the Volunteer Force, or have rendered it other services during the Fenian invasion of 1870, and whether it is the intention of the Government to oblige those Officers of the Volunteer Force, in whose hands the

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amount of such claims may have been placed, to pay over the same immediately to the proper parties.

Hon. Sir GEO. E. CARTIER said that in 1870 the Government had paid all accounts presented by Commanding Officers. The Government did not pay such accounts unless presented. He was not aware that any complaint had been made of any officer keeping back moneys, which ought to have been paid to parties for the conveyance of troops.

Hon. Mr. BLANCHET—Whether it is the intention of the Government to bring down, during the present session, a Bill for the Regulation of Weights and Measures?

Hon. Mr. MORRIS understood that a measure had been framed by the Imperial Government, which they intended to present to Parliament during the present session, and it was thought advisable to obtain the benefit of it before introducing a Bill here.

Hon. Mr. BLANCHET—Whether it is the intention of the Government to keep up, during the coming season, the naval force charged with the protection of the Canadian fishermen in the waters of the Gulf of St. Lawrence; and if so, whether Her Majesty's squadron is to give its support and co-operation to the Dominion force?

Hon. Dr. TUPPER—It is the intention of the Government to provide the same force as before, and the Imperial Government would continue to aid the Dominion.

In reply to Hon. Mr. SMITH (Westmoreland), Hon. Mr. LANGEVIN said that it was the intention of the Government to provide additional railway stock on Government railways in New Brunswick.

Hon. Mr. LE VESCONTE—Whether it is the intention of the Government to enlarge the St. Peter's Canal so as to permit the passage of a paddle-wheeled steamer through the locks thereof, and to facilitate the navigation through said canal by placing mooring buoys outside of each entrance thereto?

Hon. Mr. LANGEVIN said it was the intention of the Government to cause an examination of the canal to be made to ascertain what may be required.

In reply to Mr. CUMBERLAND, Hon. Mr. LANGEVIN said that it was the intention of the Government to place a sum in the estimates for the purpose of constructing a wharf at Prince Arthur Landing.

Mr. CUMBERLAND—Whether, in view of the large influx of miners and others to the Thunder Bay and Shebandowan districts, which in consequence of recent important mineral discoveries there, is expected to occur on the opening of navigation, it is the intention of the Government to make any additional provision by the establishment of a police force or otherwise, for the keeping of the peace and the maintenance of law and order in those localities?

Hon. Sir JOHN A. MACDONALD said the matter was under the consideration of the Government.

Hon. Mr. McKEAGNEY—Whether it be the intention of the Government to establish a Savings Bank in the County of Cape Breton, and if so, when it may be expected to go into operation?

Hon. Sir FRANCIS HINCKS, said it was the intention of the Government to do so, and that it would come into operation on 1st July next.

Hon. Mr. CHAUVEAU—Whether it is the intention of the Government to adopt more effectual measures for the protection of Fish in the Rivers and Lakes North of Quebec; the said Lakes and Rivers being in many cases fished without any regard for the future, by foreign speculators?

Hon. Dr. TUPPER said it was the intention of the Government to take the most effectual measures in their power, but that much depended on the inhabitants themselves in the carrying out of the laws for the protection of fish in rivers and lakes.

In answer to Mr. Houghton, (Yale, B.C.)

Hon. Mr. LANGEVIN said it was the intention of the Government to take measures for the removal of one of the rocks known as the "Sisters," which endanger the navigation of the Fraser River in British Columbia, between New Westminster and Yale.

In answer to Mr. DE COSMOS,

Hon. Mr. HOWE said it was not the intention of the Government to make an appropriation for a Geological Museum in British Columbia. He would remark that no such Provincial Museums existed in the Dominion.

Mr. WORKMAN,—Whether it is the intention of the Government, in view of the great pressure of legal business at Montreal, and the reported indisposition of one of the Judges there, to appoint a fifth Judge for that City and District?

Hon. Sir JOHN A. MACDONALD said that an Act had been passed by the Quebec Legislature authorizing a sixth Judge

and it was the intention of the Government to ask a vote for the salary, when the appointment would be made.

Mr. WORKMAN,—Whether it is the intention of the Government, in view of the greatly increased cost of the necessities of life, and the changes in society during the past twenty-five years, to increase the salaries of the Judges of the Province of Quebec, which were fixed at their present amount a great many years since, when the rearing and educating a family, and the cost of living, were less than one-half of what they now are, more especially in the cities of Montreal and Quebec.

Hon. Sir JOHN A. MACDONALD said it was not the intention of the Government to do so this year.

SURVEY AND MANAGEMENT OF INTER-COLONIAL RAILWAY.

Mr. JONES, (Leeds and Grenville) having moved for an address for statement of costs and charges connected with the survey and management of the Intercolonial Railway.

Hon. Mr. MACKENZIE asked when the report of the Commissioners would be presented.

Mr. WALSH replied that the Report was handed to the Government on Saturday last, and stated that it contained most of the information asked for in the motion of the honourable member for Leeds.

GAUGES OF GRAND TRUNK & INTERCOLONIAL RAILWAY COMPANY.

Mr. BODWELL, in moving for an address for correspondence, said that as the broad gauge and steel rails had been determined upon, he presumed there had been some correspondence, and hence his motion.

Hon. Mr. LANGEVIN said there had been none, and the matter dropped.

CORRESPONDENCE IN REFERENCE TO UNION OF NEWFOUNDLAND AND PRINCE EDWARD ISLAND.

Mr. BODWELL having moved for the correspondence in connection with the above matter.

Hon. Sir JOHN A. MACDONALD said there had been none.

CHARGES AGAINST COL. SKINNER.

Mr. OLIVER moved for the correspondence relative to the charges brought against Col. Skinner, while acting as Captain of the Wimbledon team. One charge

was, that the men of the team had been accommodated in a very small room on their arrival at Liverpool; that at Kingston he had engaged the services of a German Jew as a servant and had paid for such services out of moneys belonging to the team, &c. He thought that a matter, which was very injurious to the Volunteer Force, ought to be settled at once if possible. It was in the interest of the country that the dispute should be settled.

Hon. Sir GEO. E. CARTIER said there were no papers relating to this matter before the Government. The Ontario Wimbledon team was got up by private subscription. He was happy to learn that the Wimbledon team had gained in England a reputation which not only did them honor but added a lustre to the Volunteers of the Dominion. He repeated there was no correspondence whatever before the Government.

The matter dropped.

Mr. METCALFE moved for Address for return of amount paid to any Departmental Clerk or Officer as extra pay during the fiscal year ending 30th June, 1871, &c.—Carried.

Also—Address—Return of sums charged and received by Department of Justice, the Deputy of said Department or any Officer or Clerk thereof, by way of costs on moneys over due upon Ordnance Lands sold under authority, &c. Carried.

And also—Address—Return of money charged or received on account of salaries, extra service, travelling expenses or any other account by the several Deputy Heads and Officers of Departments at Ottawa, &c. Carried.

Mr. FOURNIER—Address—Correspondence in relation to the necessity of appointing a resident Judge for each Judicial District in the Province of Quebec, &c.

Hon. Mr. DORION—Address—Correspondence on the subject of the division of the surplus of the debt of the former Province of Canada, &c.

Hon. Sir JOHN A. MACDONALD was not aware that there was any correspondence on the subject.

EMIGRATION TO FORT GARRY.

Mr. STIRTON moved for an Order of the House for statement of the expense of maintaining teams and men at Prince Arthur's Landing for conveyance of emigrants to Fort Garry.—Carried.

CENSUS.

Mr. STIRTON moved for an Order of the House for statement of payments

Hon. Sir J. A. Macdonald.

made in connection with the taking of the census up to the 1st March, 1872.

Hon. Mr. POPE said that all particulars connected with the taking of the census would be laid before the House in the course of the session, and the motion was consequently unnecessary.—Motion withdrawn.

SCHOONER "C. H. HORTON."

Hon. Mr. GRAY moved an address for copies of all correspondence respecting the alleged abduction of the American fishing schooner "C. H. HORTON.—Carried.

FISH EXPORTED.

Mr. FORTIN moved an Address for a return showing the quantity and value of fish exported from the Dominion to the United States and other foreign countries.

Hon. Mr. TILLEY said that all the information that could be given was contained in the Trade Returns already before the House.

Mr. FORTIN said what he wanted to ascertain was the quantity of the different sorts of fish exported, which was not stated in the return mentioned. He thought this information and also particulars of the amount of Fresh Fish imported from the United States would be found very important in the discussion of the Treaty.

Hon. Mr. TILLEY said that all information in the possession of the Government should be supplied.

Mr. FORTIN asked that if it was found that the Government could not give the particulars this year, they would do what was necessary to see that the particulars were obtained in future.

PENSIONS.

Hon. Mr. HUTCHISON moved an address for the names of all officers pensioned from 1st July 1871 to 1st April 1872.

Hon. Sir FRANCIS HINCKS referred the mover to a statement already before the House which contained the information asked for.

Hon. Mr. HUTCHISON said he would consult the statement referred to.

Motion allowed to stand.

ABSTRACTION OF MONEY LETTERS FROM HALIFAX POST OFFICE.

Hon. Mr. HUTCHISON moved for copies of all correspondence relative to the abstraction of money letters from the Halifax Post Office.—Carried.

INDIAN COMMISSIONER FOR NORTHUMBERLAND, N.B.

Hon. Mr. HUTCHISON moved for copies of correspondence respecting the appointment of a Commissioner or Commissioners for the Indians in Northumberland, N.B.—Carried.

MEETING OF PARLIAMENT.

Hon. Mr. BLAKE moved for copies of correspondence with the Imperial Government as to the time of the meeting of the Parliament of Canada for the year 1872. He said that from the mention made in the Speech from the Throne, as to the action of the English Government in the matter, the Government must have contemplated informing the House on the subject, and he thought the papers should be submitted. Carried.

SILVER COIN.

Mr. OLIVER moved for statements showing the amount of American Silver Coin withdrawn and sold by the action of the Government, and the amount of new silver coin put into circulation since the last returns were made.—Carried

INSOLVENCY LAWS.

On the Second Reading of Mr. COLBY'S Bill, "An Act to repeal the Insolvency Laws" coming up. Mr. Colby stated that he proposed to let the matter stand in consequence of the absence of many members particularly interested in the matter.

Upon this a conversation arose as to the expediency of his doing so in the course of which

Hon. Mr. MACKENZIE said that a great majority of the House were in favor of the Bill, and that in fact it might have carried last Session, but for what he deemed an imprudent concession on the part of the mover, and he feared the same disaster might again result. He thought also that the Government were bound to state their views respecting the very important commercial interests involved in the repeal of the Insolvent Laws. The Government had intimated last Session of the intention of the House to repeal these Laws, and it was their duty to have provided for such being done.

Hon. Sir JOHN A. MACDONALD did not think the hon. member had any right to use such language in the matter. The hon. gentlemen who had charge of the Bill, was above all suspicion, both in and out of the House, and was just as sincere as the member for Lambton, who had no right to take him to task as he had done.

Hon. Mr. MACKENZIE protested that he had not taken the mover to task as he had the most perfect confidence in him.

Hon. Sir JOHN A. MACDONALD said he could not then have perfect confidence in those who had advised the postponement. There was plenty of time to get through the measure. As to the remarks of the hon. member for Lambton, respecting the duty of the Government, he thought them quite unnecessary. The Government did their duty to the satisfaction of a majority of the House, and he believed to the satisfaction of the country. (Hear, hear.)

FISHERIES.

On a motion for adjournment, Hon. Mr. MACKENZIE asked when they might expect the papers asked for respecting the Fisheries and the Treaty, and also what papers would be brought.

Hon. Sir JOHN MACDONALD said that with respect to those asked for by the member for West Durham, he was unable to bring them down. They had been carefully perused, and it was found that they could not be submitted to the House or the country, without injury to the public interest, and without injustice to the Imperial Government. They would not however, in any way affect an intelligent discussion of the Treaty. To-morrow he would state what additional papers would be brought down.

LEGISLATION.

Hon. Mr. BLAKE asked when Government intended to give notice of the introduction of the Bills spoken of in the opening speech.

Hon. Sir JOHN A. MACDONALD said that the measure relating to the Treaty of Washington would be submitted immediately after the Budget Speech which would take place on Tuesday week. That relating to the Pacific Railway would be brought down in a very few days, and the Representation Bill either this week or next.

Hon. Mr. BLAKE urged that it was essential there should be no delay in submitting this last mentioned measure.

Hon. Mr. HOLTON suggested that in order to facilitate the business of the House, Government measures should be on the papers every day, the same rule of precedence being observed as at present.

The House then adjourned at five o'clock.

Hon. Mr. Mackenzie.

SENATE.

TUESDAY, 23rd April, 1872.

The SPEAKER took the Chair at three o'clock.

PRIVATE BILLS.

Hon. Mr. HAZEN, from the Committee on Standing Orders and Private Bills, reported favourably on the following petitions, recommending in case of several suspension of ordinary rule with reference to notice:

Of Messrs. James Domville & Co., and others of the City of Saint John, in the Province of New Brunswick; praying for the passing of an act to authorise them to establish a Banking institution in the said City of Saint John.

Of W. H. Howland and others of the City of Toronto; praying to be incorporated as "The Toronto Corn Exchange Association."

Of the Detroit River Tunnel Company; praying for the passing of an Act to amend their Act of incorporation, so that bonds may be issued on the guarantee of Railway Companies using the Tunnel and for other purposes.

Of the St. Lawrence and Ottawa Railway Company; praying for the passing of an Act to amend their Act of Incorporation, to authorize a further extension of their Railway, and for other purposes.

Of the Grand Trunk Railway Company of Canada, aforesaid; praying for the passing of an Act, to create a third mortgage upon the lines and property of the Montreal and Champlain Railway Company, newly purchased by the said Grand Trunk Railway Company of Canada, and for other purposes.

Of J. C. Fitch and others of the City of Toronto; praying to be incorporated as "The Bank of Canada."

QUESTION OF "COPYRIGHT."

Hon. Mr. RYAN—In pursuance with the notice which is on the minutes I rise to move,

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all correspondence with the Imperial Government, or with any person or persons since the 20th February, 1871, in relation to the question of Copyright, as well as to that of re-printing British Copyright works in Canada."

It will be in the recollection of the House that for the last four years a motion similar to this, or having relation to this subject, has been proposed by myself, and addresses based on the motion have been regularly adopted by the

Senate, but I am sorry to say that, although the question is one of great importance to the interests of the country no result of any moment has, so far, been produced by these frequent addresses, or the representations made by the Canadian Government to the British authorities in relation to the matter. Honourable gentlemen will probably recollect the history of this question. In 1868 when the first address of the Senate was passed we found it in this position. There was then a right which was acquired from the Imperial Government in 1849, to import British copyright books from the United States on the payment of a small duty, on condition of this duty being set aside to form a fund for the benefit of the author. This was intended as a concession to Canada, so that cheap literature might be imported into the country. But as time went on, and our printing, like other industrial interests, increased, those who were engaged in the publishing business felt it a grievance that whilst they were prevented from printing copyright works, their importation from a foreign country was actually allowed under the condition mentioned. The object of the Address which was presented to His Excellency at that time was to remove this grievance by giving the same right to our printers and publishers of printing British copyrights, as was accorded, and still is accorded, to American publishers on the other side of the line. Our capabilities for printing such works cheaply were as great then as those possessed by the Americans—perhaps more so; and we appealed on the subject to the British Government through His Excellency the Governor General, and that Address was followed by despatches from the Government, which were brought down to this House on our motion in due course. The representation was made to the British Government that, as soon as ever measures were taken for the protection of the interests of the British authors in the shape of an excise, permission should be given for the reprinting of British copyrights in Canada. I need not go through the various negotiations which have passed since 1868 between our Government and that of Great Britain. You will recollect perhaps one important fact which I mentioned last year, and that was, that the prospect of an International Copyright Treaty with the United States was the chief impediment to having our wishes complied with. Great hopes were held out that that Treaty would be accomplished, but it fell to the ground, and there is no appearance at present that such a measure will be carried

out. We are therefore precisely in the same position that we were in 1868 on this subject with this exception, that negotiations have been going on at different times between the Government here and the Imperial Government. In return to the address presented last year a new paper was sent down, and which has not yet been specially brought to the notice of the House though it is amongst the papers which were printed. In the Sessional Papers, Vol. 43, I find a report from the Minister of Finance and the Minister of Agriculture to the Governor General and Privy Council. They say: "What the undersigned would venture to suggest is that the duty on the re-prints of books first published, either in Great Britain or its dependencies, when imported from foreign countries, should be materially increased."

The object evidently of this suggestion was to put an end to importations from the United States but it is obvious that to do away with the power of importing these works would, of course, increase the cost of literature in this country unless we are allowed to reprint them ourselves. We are yet, perhaps, too poor a country to pay European prices for the literature which we require. The report goes on to say: "And that it should be levied in all cases for the benefit of the author or owner of the copyright, should such exist." Every gentleman will be prepared to join in the justice of that recommendation, that whilst we ask privileges of this sort we should certainly make provision for the benefit of the author whose work we should publish in this country. The object we have in view is to benefit the British author as well as the Canadian publisher whose interests are identical. The only interest that would be injuriously affected would be the British publishers, and they have, I believe, thrown many impediments in the way of our acquiring the privilege which we ask for. "And to prevent evasion of the law, a declaration should be requested from importers that any works which they may claim to import free of such duty have never been published either in Great Britain or in British dependencies; that foreign reprints of works published in Canada should be wholly prohibited; that any author publishing in Canada should be, as at present, protected in his copyright, but that, unless British copyright works should be published concurrently in Canada, licensed Canadian publishers should be allowed to publish, paying for the benefit of the author or owner of the English

copyright an excise duty which could be collected by means of stamps as easily as other duties of a similar kind. The undersigned have no doubt that such a scheme as that which they have suggested could be carried into practical effect with great advantage to the English authors, who, as a rule, would sell their copyrights for Canada to Canadian publishers. It is true that British publishers would not gain that colonial circulation which they have long tried to obtain without success; but it is vain to expect that the expensive editions published in England can meet a sale in any part of the American continent." Since these communications have passed between the two Governments, others, no doubt have, followed, and I hope that there will be no objection to showing the position of these further negotiations with as little delay as possible. Although it may appear to some that the subject has been followed up, perhaps too persistently, yet, I believe, nothing but persistence and energy in urging this matter on the Imperial Government will bring it to a successful issue. Since I gave notice of my motion I have thought that it would be perhaps advisable to make an addition to show British authors how little benefit they receive from the present mode of collecting duty on American reprints of their works coming into Canada. I would therefore propose to add to the words of my motion as printed: "Also a return showing the amount of duty collected upon copies of British copyright works imported into the Dominion from the United States during the fiscal year 1870-71, as well as the amount of such duties as have been paid to the author or authors of such works." It now just comes to my recollection that a voluminous correspondence on the subject of copyright appeared in the *London Times*, not many months ago, and amongst many authors, who then made known their complaints, the Archbishop of Dublin wrote a letter in which he complained of the very small return received from Canada, and rather reflected upon the management of our Customs, in collecting the duty for the benefit of British authors. I think he said that although one of his works was widely circulated in Canada, yet all he received was something like six shillings and eight pence, or some such trivial sum. There is no doubt whatever that large numbers of such works are smuggled into this country from the United States, but in addition to this many pass the Custom House, because of the absence of timely returns from the proper authorities in England. I have no doubt, knowing as I do some-

thing of the slowness with which public departments move, that returns of copyright works only come out some time after they have appeared in England, and have been copied in the United States, and consequently are not in the possession of our Customs officers, as soon as the American reprints are sent in. The officer looks at his lists, and not seeing the work mentioned in them, allows the books to pass free. Under such circumstances it will be easy to explain why such a small amount is collected on American reprints for the benefit of authors. As a forcible illustration of the position in which our publishers are now placed, I may mention that a well known gentleman in Montreal—I refer to the compiler and publisher of the *Dominion Directory*—who has labored long and earnestly in this matter, has been forced to establish a printing office at Rouses' Point, across the frontier, in order that he may be in a position to compete with American publishers. I do not attempt to justify or offer an opinion on this proceeding; I give it simply as an example of the effect of the present system upon our printing industry. We should certainly endeavour to encourage Canadian publishers and keep them in the country, instead of forcing them across the border. In my motion, I refer to correspondence with "person or persons," as well as with the Government for I understand that a correspondence has been going on with influential individuals on this question, and a letter has been written by a distinguished gentleman, Sir Charles Trevelyan, approving of the action and demands of the Canadian Government on the subject. I believe such correspondence should encourage our Government to prosecute this object with vigor, and use every effort to obtain the very desirable boon we have so long been asking.

Hon. Mr. CAMPBELL replied: I may say at once, I believe there is no official correspondence after that to which my hon. friend has referred—the report of two members of the Government on the subject, which was sent to England. There has been, however, some unofficial correspondence, and the hon. gentleman is right in mentioning the name of Sir Charles Trevelyan, but I do not know if it can be brought down. I would suggest to my hon. friend that he also add to his motion a request for a return which will show the dates at which the copyright lists come out to this country; and then the whole case will be laid before the public. My hon. friend deserves to succeed—he has persevered, session after session, since

Hon. Mr. Hazen.

Confederation, and I may add that his efforts have not been confined to this House, but have been exerted, with the same object in view, during the vacation, both in this country and in England. The Government are entirely in accord with the hon. gentleman on the question, and hope that now, since there is no prospect of an International Copyright Treaty, they will be able to come to some satisfactory arrangement with the British authorities.

In accordance with the suggestion of

Hon. Mr. CAMPBELL,

Mr. RYAN added the following words to his motion :

"And further a return stating at what dates and periods with reference to the dates of publication, lists of works which are copyrights are transmitted from the proper department in London to the proper department for collecting the duties on copies of such copyright works in this country."

Hon. Mr. BUREAU made a few remarks, but they were not audible to the reporter.

The motion, as amended, then passed.

PICTOU RAILWAY.

Hon. Mr. DICKEY asked the Government whether it is intended to afford increased facilities for the conveyance of coal over the Government line of railway, between Pictou and Halifax, in Nova Scotia, and in doing so, he stated that there had been actually a coal famine last March in Halifax. The carrying capacity of the line was unequal to the public requirements.

Hon. Mr. CAMPBELL replied that it was intended to afford increased facilities on the line in question—in fact, the Minister of Public Works had already commenced to make improvements in the direction required.

STATUTES.

On motion of Hon. Mr. CAMPBELL the bill in respect to the custody of the Statutes was read a third time, and sent to the Commons for their concurrence.

The House then adjourned.

HOUSE OF COMMONS.

TUESDAY, 23rd April, 1872

ROUTINE BUSINESS.

Mr. MORRISON presented a petition to extend the time for commencement of the Huron and Niagara Ship Canal.

Mr. SCRIVER presented a petition for a charter for the Quebec Railway Co.

Hon. Mr. HUNTINGTON presented the first Report of the Committee on Standing Orders.

Mr. MORRISON (Niagara), introduced a Bill to incorporate the Detroit Railway Bridge Co. Referred to Committee on Railways and Telegraph Co.

Mr. MORRISON introduced a Bill to incorporate the St. Clair Railway Bridge, and Telegraph Co.

Mr. COSTIGAN introduced a Bill to compel Members of the Local Parliament when dual representation is not allowed to resign their seats before becoming Members of this House.

Mr. SHANLY introduced a Bill to amend the Act of incorporation of the Caughnawaga Canal Co.

Hon. Mr. IRVINE introduced a Bill to incorporate the Canada Railway Equipment Co.

Hon. Mr. LANGEVIN gave notice that he would move the House into Committee on certain resolutions respecting the enlargement of the Dominion canals, recommending the enlargement of the canals, as recommended by the report of the Canal Commissioners, and the construction of the Baie Verte Canal.

Hon. Sir GEO. E. CARTIER gave notice that he would move a series of resolutions relative to the Canadian Pacific Railway.

Hon. Sir JOHN A. MACDONALD brought down the letter of Hon. Mr. Campbell on the Fishery question. Also all correspondence on the question which could properly be brought down in the interests of the country.

The concurrence in the resolution asking for a grant of \$45,000 for the geological survey was taken up.

The resolutions were concurred in and read.

Hon. Mr. HOWE introduced a Bill founded on the resolutions.

GOVERNMENT SAVINGS BANKS.

Hon. Sir FRANCIS HINCKS having moved that the Report of the Committee of the Whole on certain resolutions respecting the Government Savings Banks, &c., be received,

Mr. CARTWRIGHT moved an amendment to the second Resolution as follows :—

That this resolution be not concurred in but that it be resolved, that

Whereas on the 31st December, 1865, the various Banks of the late Province of Canada, held the sum of \$7,991,170 in gold against a circulation of £12,128,772, being in the proportion of 62 percent of the said circulation. And whereas the Banks of Quebec and Ontario, (forming the said Pro-

vince) held on the 31st day of December, 1871, the sum of \$6,526,072 in gold as against a circulation of \$22,919,342, being in the proportion of 28 per cent of the said circulation. And whereas the result of the recent financial measures introduced by the Government has been to a great extent to replace a paper currency directly based upon gold by a paper currency based upon another paper currency.

Resolved,—That this House views with alarm the proposition of the Government to still further diminish the comparatively small reserve of bullion now remaining in this country. That the power proposed to be conferred by the measures now before the House will practically enable the Ministry of the day to effect loans to a large amount with any Bank or Banks that they may see fit, and that it is not expedient to entrust any Government with such power without special consent of Parliament in each case. And lastly that the general result of the modifications proposed to be introduced into the present law will be to interweave the interests of the various Banking institutions of the Dominion with the Government still more closely than at present. Whereas it is extremely desirable that the national finances should be kept, as far as possible independent of and unaffected by the fluctuations to which the trade and commerce of every country are constantly exposed.

He claimed the indulgence of the House for trespassing upon their time with so dry a subject. He called attention to the preamble of the amendment, and stated that he had always contended that the Government were dangerously diminishing the bullion held in this country. He had no doubt that the Finance Minister would give the usual answer, that, in the first instance, the banks hold a very large amount of legal tenders in the shape of Government notes, which are as good as gold; and in the second place have large bank balances available for the protection of their circulation. With respect to the legal tenders under the present law, the banks were bound to hold one-half of their cash reserves in legal tender notes, and although it was thought they could use them very much as gold, anybody who had paid any attention to the matter was aware that it was very questionable whether the Banks were at liberty to use these tenders in the same way as their gold reserves, especially while Government held large sums on deposit; not to speak of other modes of deterring the Banks from demanding gold for legal tenders if inconvenient to the Ministry. As regarded the Bank balances although large, it should be remembered that the Returns of those balances included in some cases money that was not in the country. The balance in the case of the Bank of Montreal of some 9 or 10 millions was the most actively employed capital they had and could not be considered as always available. The circulation of the Government notes consisted principally of those of small denominations under four dollars, but the circulation of the Banks being in large notes they would, in times of sudden contrac-

tion, be more liable to return on their hands than the small notes. With reference to the first proposition in his amendment he might appeal to English practice to show the importance of retaining large reserves of bullion in the country, but under the circumstances he would merely call attention to the manifest fact that he had stated in his preamble. As to his second proposition he did not think it expedient to give to any Ministry power to effect large loans with individual banks. Such power had been useful, but he considered it a dangerous precedent and one always liable to abuse. The third proposition went deeper into the principles at issue. He had no doubt it might appear that the interests of the Banking Corporation should be interwoven with those of the Government, but he looked upon it in a different light. He looked upon the Government as being the custodian of the public credit, who should enforce the regulations which the House saw fit to adopt with regard to those corporations. If the Hon. Minister of Finance had spent here the fifteen years which he had devoted to the service of Her Majesty abroad he would know that the fears he expressed were neither ill grounded nor visionary; that, judging the future by the past, and bearing in mind the periodical fits of depression and prosperity which succeed each other in all commercial communities, we ought in all cases to provide for the recurrence of periods like that between 1858 and 1866. We were now in a state of great prosperity such as had not been known for a period of twenty years, and it was only necessary to refer to the public accounts to see that the revenue had increased at least fifty per cent. in about two years. Not to speak of the additional proof afforded by comparison of the trade returns,—the assets in the lands of the Banks, &c. But this state of things might not last, a reaction would come, and he hoped the results would not be as disastrous as they had been before. If disaster should come upon us, he believed that the policy now being adopted by the Government would make that disaster worse. But he knew that the Banking Institutions were with the Government in the matter, and that it would be hopeless to oppose them. The House knew that in the nature of things a reaction would take place and times of adversity would come. Then powerful pressure would be brought on the Government to induce them to issue additional currency, and to suspend specie payments. This had been done by States possessing greater resources than we did. He believed

Mr. Cartwright.

that we were creating a complicated system which it would be found difficult to undo, if circumstances of commercial stringency should threaten. It was with vicious systems very much like ill weeds, they grew apace, and sent down their roots a great distance. In moving the amendment now before the House, he did so for the purpose of placing on record his protest against a system which he believed would be disastrous to the country.

Hon. Sir F. HINCKS was reminded by the hon. member for Lennox of the boy who was constantly crying wolf and all knew the result. After crying for a long time his cry was disregarded, and he believed he came to an unfortunate end (laughter). He thought the hon. gentleman had expended a great deal of eloquence and zeal upon a very small object. Had he (Sir F. Hincks) asked permission to borrow more money on the security of circulation, the remarks of his hon. friend would have been something more to the point; but he had done nothing of the kind. The resolutions had already been fully discussed at a previous stage, and he had answered every question that had been asked. The House would stultify itself by adopting the resolution of his hon. friend, which affirmed as facts what could not be admitted. For instance, his hon. friend declared that on the 31st December, 1865 the Banks of Canada held \$7,594,170 in gold against a circulation of \$12,128,772, and on the 31st December, 1871 a sum of \$6,526,072 against a circulation of \$22,919,342. This statement was most unfair. At both periods the gold was held not against circulation alone but against circulation and deposits, the latter being the liability against which it was most necessary to guard, and yet no reference was made by the hon. member to this state of the deposits. Again it was most unfair to omit all allusion to the gold held by the Government, probably about \$4,000,000, and to the fact that the Banks held, in addition to the gold, stated Dominion Notes which were legal tenders, and therefore as good as gold to the Banks. And with regard to these Notes he would observe that there had never been a time that the gold held by the Government had not been sufficient for any run that could possibly be brought upon it. The Dominion Note Act had worked with the greatest satisfaction both to the banks and the Government. With regard to the position of the Government, it was well known that under the Dominion Note Act a fair arrangement had been made with the Banks. The Government had at that time a very large circulation through the Bank

of Montreal, which under the old arrangement did not issue any notes of its own, and the hon. member for Lennox had pressed upon the Government the expediency of changing that arrangement. Had not the Dominion Note Act passed, the Government would have had to redeem the whole of that amount. They had now in circulation only \$1,797,087 in old Provincial Notes all the others having been redeemed. Large notes of the denominations of \$500 and \$1,000 had been found of great convenience to the banks as they were enabled to settle their balances with them instead of having to use gold or Bills of Exchange. The small note circulation is \$3,621,000, and being absolutely necessary for the public to have, could not be drawn from circulation. There were various reasons to induce the Government to bring forward the proposition under discussion. They had to be constantly, week after week, calling upon the Banks for a reduction of their circulation in order to prevent an excess of the amount, beyond which they had to hold dollar for dollar in gold. They had no less than thirty three per cent. in gold and still had to withdraw \$200,000 from circulation, although many complained of the want of small notes. He did not expect Banks would issue a single note under the present arrangement if they could avoid doing so. He did not wish to exceed the bounds of prudence, and could not be charged with desiring to do so. He hoped the resolution would be adopted.

Mr. GIBBS would like to ask the Finance Minister if, under the Bill to be introduced, the returns would show the amount held by the Government as gold, and as a separate return, the amount held by the Banks.

Hon. Sir FRANCIS HINCKS—Certainly.

Mr. GIBBS—Thought that we would get over, to a very considerable extent, the difficulties about which he addressed the House when the resolutions were previously under discussion. As he understood the intention of the Hon. Minister of Finance, it was to get over the difficulty which he found in making up his weekly return, which every now and then was in excess of the issue authorized, and he (Mr. Gibbs) thought it desirable that the difficulty should be overcome.

The original resolutions were then carried, those of Mr. Cartwright being lost.

Hon. Sir FRANCIS HINCKS introduced a Bill to amend the Government Savings Bank Act; also, a Bill to correct a clerical error in the Act relating to Banks and Banking, and to

amend the said Act; also a Bill to amend the Act relating to Dominion Notes; also, a Bill respecting the public debt and the raising of loans authorized by Parliament.

Hon. Sir F. HINCKS moved the House into Committee of Supply, Mr. STREET in the chair.

The House rose and reported.

Hon. Sir JOHN A. MACDONALD moved the second reading of a Bill respecting the Larceny of Stamps. He explained that the object of the Bill was to make stamps, whether issued by the Dominion or Provinces, a valuable security, and any person stealing them liable to be tried for stealing the amount expressed on the face of the stamp.

Mr. R. A. HARRISON—Would seriously suggest to the consideration of the Government the propriety of abandoning the stamp tax, and if necessary raising the amount thereof by some other means. In many parts of the Dominion the law is not understood, and where it is the stamps are frequently not to be had, and when they are to be procured they are of such a character that they will not adhere to the paper, resulting in embarrassment in business, and he thought the law opened the way to fraud as many stamps were used more than once.

Hon. J. H. CAMERON suggested the use of stamped paper, as in England, which would prevent the possibility of stamps being used more than once.

Mr. WORKMAN concurred with the hon. gentleman who had just spoken, as to the inferior quality of stamps supplied.

Mr. SAVARY thought there could not be a more inconvenient way of raising revenue in Canada than by a stamp duty. It bears very hard in the rural districts where a man has to travel several miles to get a stamp or his note is worthless. He had known one case in which a person had been supplied with postage stamps for bill stamps. He suggested that the Act should be amended or abolished altogether.

Mr. FERGUSON could not support the Bill as he regarded Stamp Duty as being a troublesome and vexatious mode of collecting the revenue.

Mr. STREET said the suggestion of the member for Peel would be very embarrassing in rural sections of the country and he could not therefore concur in it. He agreed with the member for Toronto that if the Government could dispense with the tax it would be very advantageous to the country, and he hoped Government would give the matter their best consideration.

Hon. Sir Francis Hincks.

Mr. ANGLIN said that nothing could be more desired by the Lower Provinces than the total abolition of the bill.

Hon. Sir JOHN MACDONALD said he did not propose to enter into a discussion of the Stamp duty, as it was irrelevant to the matter in hand. The immediate cause of the introduction of the Bill was an embezzlement of postage stamps, and its object was to make those stamps a valuable security. As to inconvenience arising from the imposition of the stamp tax, there was no species of tax against which some objection could not be raised. He would ask those members connected with rural districts, and who spoke of the inconvenience of the tax, whether they would not prefer to have this part of the revenue raised by way of tax on Bills and Promissory Notes, than on tea and sugar and other necessities of life (cheers).

Hon. Mr. MACKENZIE thought they could not afford to disregard the mode of taxation practised in England. During the past twenty years they had endeavored to reduce it as much as possible on imports of necessities, and had transferred it to objects of inland revenue. He was glad to have this principle acknowledged in Canada, and he therefore had not looked unfavorably on the imposition of the Stamp Tax.

Mr. MASSON (Soulanges) said the tax was no doubt objectionable in rural counties, and he would propose that all bachelors throughout the country should be taxed (laughter).

Hon. Mr. MORRIS said the matter of the stamp duty was receiving the consideration of the department.

The Bill then passed its second reading and passed through Committee.

INJURY TO PROPERTY.

Hon. Sir JOHN A. MACDONALD moved the second reading of "An Act to correct a clerical error in the Act respecting malicious injuries to property." Carried.

INSOLVENCY LAWS.

Mr. COLBY moved the second reading of "An Act to repeal the Insolvency Laws." He said the Bill proposed the entire abolition of the existing insolvency laws of the Dominion. It was framed in accordance with his personal convictions in the matter, and he believed in accordance with the solid sentiment of the section of the country with which he was most familiar, and also of the House and of the country at large. He was not one who believed that an insolvency law was *per se* and under all circumstances objectionable, but thought there were occasions

when it was necessary. After some great financial crisis such a measure might be beneficial. It had happened in this and other countries that the most prudent men were plunged into the same ruin with the reckless and imprudent, and then some peculiar remedy should be provided. He did not think the present Insolvency Laws were in accordance with the principles of morality. That portion respecting voluntary assignments said to the debtor, "The moment you find it inconvenient to pay your debts, you are privileged to compound them," and he thought nothing more demoralizing could be found in any law. This was seriously damaging to the country, for the moment men got into difficulties they ceased to struggle to extract themselves, and found it much more convenient to pass through the legal process, and so relieve themselves from all obligations. The speech of His Excellency told them that the country was now in an unusual state of prosperity, and that that prosperity extended to all branches of industry, and yet if one derived his impression of the prosperity of the country from the *Official Gazette* he would believe they were in a state of bankruptcy. The number of insolvents was appalling and was entirely inconsistent with the idea of prosperity. He believed that the effect of the Insolvency Law in a new country like Canada was particularly injurious, for it could not but encourage recklessness in trade. It held out to any man desiring to become suddenly rich the prospect of the realisation of wealth if he prospered, without anything counterbalancing if he failed. Young men without experience, or business habits, and with very insufficient capital entered into business and speculated because if they were fortunate all would be well while if they were unfortunate they were relieved from all consequences. So much was this the case that there was now no dread of being known as a Bankrupt, and indeed many persons who had passed through Bankruptcy four and five times now held up their heads as honest business men. He had received communications from all parts of Ontario and Quebec, all pressing for the abolition of the Laws, and he had been told of a case of an Insolvent for whose estate the principal creditor had offered \$14,000, the whole of which amount had been absorbed in costs; and a large commercial house in Montreal wrote him that under the operation of the Insolvency Laws their losses had doubled. There was a number of assignees whose special business was to find out men in business

who were in difficulties, and to encourage them to take advantage of the Act. It had been stated that the Act might be amended, but he believed the difficulty lay in the very principle of the Act. He was fully persuaded that the sentiment of the country was entirely in favor of the abolition of the Laws, and if at any future time they might be again needed they could be restored. He believed that the occurrences of the last session when the second reading of his bill had been passed by a large majority against the wishes of the Government showed how strongly the House was in his favour. He believed that the entire retail trade of the country desired the abolition of the Act, for they suffered extreme hardships in consequence of the numerous composition arrangements made, so much so that the Act was a simple abomination to the whole trade. He believed also that the great mass of the wholesale dealers held a like opinion. He then referred to the memorials presented from the Boards of Trade against the abolition, but questioned whether they were worthy of any great weight. In Toronto great difficulty was experienced in getting a meeting, and in Montreal the memorial emanated merely from a small majority of the Council and not of the mass of the Board. He also referred to the resolution of the Dominion Board on the subject. He referred to the class of small manufacturers now rapidly springing up, than whom, no class was more strongly desirous that the laws should be abolished. In conclusion he apologised for detaining the House so long.

Mr. R. A. HARRISON (Toronto) said he concurred in some of the remarks of the mover. He did not think that the working of the Act had been in all respects satisfactory; no doubt the facilities for going into bankruptcy were too great, the facilities for obtaining discharges were too great, the expenses of working an estate through Bankruptcy were too great, but he believed these three were the only abuses that could be alleged to exist. He could not agree with the statement that this country required no bankruptcy laws except in unusual times for while credit was given, these laws would always be necessary. He would much rather amend than abolish the Law. In respect to the first objection he had spoken of he suggested that the creditors should have more control. In regard to the second there was more difficulty. The duty of administering the Law was thrown upon Judges who looked upon the duty as merely incidental compared with other

and paramount duties. The ordinary remedy for this would be to have a new system of Judges, but then the cry would be what a fine place for lawyers! He believed a Bankruptcy Court could be established having Judges who would specially apply their minds to the subject, but if this was opposed why not again give the controlling power to the creditors and let them decide who should obtain a discharge. If a debtor was honest, his creditors would be reasonable. He could follow up the different objections and suggest remedies, but he would now suggest that the subject should be referred to a Committee who should investigate the matter and decide what should be done after which the House could decide. The Law was necessary and should not be destroyed because it was not perfect.

Mr. OLIVER said the Bill had been introduced in the previous Session and every one knew it would come up again now, and the member from Toronto as a celebrated commercial lawyer and knowing the defects of the Bill ought to have felt it his duty to submit to the House a remedy for the evils he admitted. He believed that there was scarcely one single trader who did not desire the repeal of the Laws. He agreed with the member for Stanstead, that this desire was almost universal, with the exception of assignees and lawyers who were engaged in winding up estates. The present laws only encouraged recklessness in business. Another objection was the injustice of the Bill in that it only applied to Traders. Why should it not apply to others also. A man might go into business and fail, without any very ruinous consequences, but supposing a farmer should have endorsed his paper to the full amount of his stock he would lose everything he had. Therefore, if there was a Bill at all it ought to apply to all classes of the community. Again it was a great injury in inducing young men to enter into business, knowing they had everything to win and nothing to lose. In the interest of the manufacturing community the Laws should be repealed, and he had great pleasure in seconding the motion for the second reading.

The debate was here adjourned, and it being six o'clock and St. George's day, the House also adjourned.

Mr. R. A. Harrison.

SENATE.

WEDNESDAY, 24th April, 1872.

The SPEAKER took the Chair at three o'clock.

COPYRIGHT.

Hon. Mr. RYAN presented a petition in reference to Copyright from the Dominion Board of Trade, and again called attention of the Government to the subject.

POSTAL STEAM COMMUNICATION WITH WEST INDIES.

On the presentation of a petition by Hon. Mr. DICKEY in reference to direct Steam Communication between Canada and West Indies and Brazil.

Hon. Mr. CAMPBELL stated that there was a prospect of that communication being afforded at no distant date; for favorable propositions were now under the consideration of the Government—of course he could not say whether they would be accepted or not—who were very desirous of securing the communications in question.

Hon. Mr. RYAN—With the Foreign or British West Indies?

Hon. Mr. CAMPBELL—It was hoped that it would be arranged that the proposition would extend to the British as well as Foreign West Indies.

PRINTING.

Hon. Mr. SANBORN presented report Joint Committee on Printing, approving of the action of Mr. Hartney in reference to the printing of Mr. Dawson's report. Report to be considered on Monday.

NAVIGATION OF ST. LAWRENCE.

Hon. Mr. LEFELIER DE ST. JUST asked whether it is the intention of the Government to provide effectually for the protection of the navigation of the St. Lawrence, either by stationing tug boats of the necessary tonnage and power to relieve, and help to save vessels, and the crews of vessels leaving the Ports of Montreal and Quebec annually, during the last days of the season of navigation, or by encouraging Companies for that purpose.

Whether it is the intention of the Government to grant rewards to those residents on the South Shore of the St. Lawrence, in the Counties of L'Islet and Kamouraska, who, at the risk of their lives, succeeded in saving the crews of vessels abandoned in the midst of the ice during the severe cold of last autumn.

Hon. Mr. MITCHELL replied that it was not the intention of the Government to station tug-boats at any particular points for the purpose of relieving vessels. The Government laid it down as a principle of action not to interfere with the enterprise of private companies when they were equal to the performance of the service. The Quebec Tug Boat Company was efficiently conducted, he understood from members of the mercantile community. Only when the services of such companies could not be obtained, and life and property were in peril, were the Government justified to step in. Indeed, the Government had no boats which could be detailed for such a service. The *Druid* was unfit, while the *Napoleon* was indispensable for the performance of the remote Light House Service. With respect to the latter part of the first question the Government had always done its best to assist said vessels. With reference to the second question there was a sum of money put in the Estimates last year as a reward for those who had made themselves conspicuous for saving life and property. Applaudations were now under the purview of the department in relation to the heroism of the habitants of L'Islet and Kamouraska, and they would receive that attention to which they were entitled.

FISHERIES.

Hon. Mr. SANBORN gave notice of an enquiry with reference to expences incurred last session by British and Canadian Governments in protecting the Fisheries. The House then adjourned.

HOUSE OF COMMONS.

WEDNESDAY, 24TH APRIL, 1872.

The SPEAKER took the chair at 3 o'clock, p.m.

ROUTINE BUSINESS.

Mr. SPEAKER laid before the House—
 Lists of Shareholders of the Bank of Nova Scotia, on the 17th April, 1872,—of the Metropolitan Bank,—of the Royal Canadian Bank, on the 12th April, 1872,—of the Canadian Bank of Commerce on the 3th April, 1872,—and of the Ontario Bank, on the 10th April, 1872, in conformity with the Act 34 Vict. cap. 5, sec. 12.
 Five Petitions were brought up and laid on the Table.
 The following Petitions were received and read:—
 Of Joseph E. Archer of the city of Que-

bec; praying for the passing of an Act authorizing the issue of Letters Patent to him for an Invention known as the Hollen Roberts Knitting Machine and Loom.

Of George Gilmour, and others, of the county of Joliette; of H. J. Tiffin, and others; and of H. Taylor, and others, all of the Province of Quebec; severally praying for certain amendments to the Act respecting Patents for Inventions.

Of Charles H. Waterous of the town of Brantford, county of Brant, and others; praying for an Act of Incorporation to enable them to erect and construct Water Works throughout the Dominion on the improved plan known as Waterous Improved System of Fire Protection and Water Supply.

Of S. David and others, manufacturers of Cigars in the Dominion; praying that the tariff may be so amended as to secure to them further protection.

Of the Dominion Board of Trade; praying for the appointment of average adjusters.

Of the Board of Trade of the city of Kingston; praying for the passing of an Act to provide for the collection of Demands against Ships and Vessels.

Of George W. Campbell, and others, of the city of Montreal; praying for the passing of an Act incorporating them as a Sealing, Fishing, and Shipping Company (with limited liability.)

Of Louis Roy, Mayor, and others, of the municipality of Ste. Anne des Monts and Cap Chat; praying for the establishment of a Line of Steamers for the transport of Mails and Passengers from Canada to the West Indies, and from thence to Brazil.

Motion being made that the Petition of R. Abbott, and others, praying for such an appropriation as will be sufficient to open the mouth of Big Creek into the waters of Lake Erie, for a Harbor of Refuge,—and the Petition of the Council of the Municipality of the city of Toronto, praying for the adoption of such measures as will render substantial assistance in the construction of the Huron and Ontario Ship Canal, be received and read,

Mr. SPEAKER decided:—"That as the granting of the prayer of these Petitions would involve the expenditure of public money, they cannot be received.

Hon. Mr. MORRIS laid before the House,—official distribution of the Statutes of Canada, 34 Victoria, being the Fourth Session of the First Parliament, 1871, under the provisions of the Act 31 Vict. cap. 1, sec. 14.

Hon Sir FRANCIS HINCKS delivered the following Message from His Excel-

lency, which was read by Mr. Speaker, as follows:—

LISGAR.

The Governor General transmits Estimates of certain of the sums required for the service of the Dominion for the year ending 30th June, 1873; and in accordance with the provisions of "The British North America Act, 1867," he recommends these Estimates to the House.

Ottawa, 24th April, 1872.

On motion of Hon. Mr. McDOUGALL, (Lanark), the Petition of James J. Lynch, a candidate at the election, held at High Bluff, in the Electoral District at Marquette, in the Province of Manitoba, in February, 1871, for a choice of a Member to represent the said District in the House of Commons, praying that the Special Return sent to the Clerk of the Crown in Chancery, may be amended by inserting therein the name of the Petitioner as the Member duly elected to represent the said District in the House of Commons, was referred to the Select Standing Committee on Privileges and Elections.

PROTECTION OF AGRICULTURAL INTERESTS.

Mr. JONES (Leeds and Grenville) in moving for a committee said that he did so in the interests of Agriculture in the Dominion which should receive protection as well as the manufacturing interest. In Ontario and Quebec there were in 1861, 25,225 persons engaged in manufactures against 2,139,882 engaged in agricultural pursuits, or interested therein, and he believed it be for the interests of this class that a protective tariff should be adopted on agricultural products coming from the United States. He was surprised that the honourable member for South Waterloo did not agree with him in this. The remarks of that gentleman that products from the United States only came into this country to be transported to the European markets were contrary to the facts. Goods passing through the country *en route* to Europe paid no duty and he would quote from the Returns to show the extent of goods imported from the United States into Canada on which duty had been collected:—

In Ontario we had received from the United States between the 30th June, 1870, and the 1st April, 1871, when the duties were repeated.

Salt and fresh meat to the extent of 3, 492,981 lbs., amounting to \$370 045.

Wheat, 526,480 bushels amounting to \$532 036.

Grain of all other kinds, 1,013,930 bushels, amounting to \$592,710.

Hon. Sir Francis Hincks.

In Quebec:—Wheat, 139,478 bushels, amounting to \$137,577. Grain of all other kinds 90,196 bushels, amounting to \$6,716. Flour, of Wheat and Rye, 43,980 barrels, amounting to \$208,413.

In Nova Scotia:—Wheat, 92,257 bushels.

New Brunswick:—Flour of Wheat and Rye, 81,092 barrels, amounting to 490,091.

On all these articles the total amount of duty collected in all the Provinces was \$149,021, but if we had had the same duties on products entering this country as are imposed by the United States on our agricultural products we should have collected \$745,105. He thought that our farmers should have protection as they bore a large share of the local taxation and contributed greatly towards the construction of our public works. He did not understand why we should pay duty on goods from Great Britain, which we could not manufacture ourselves, and at the same time admit free of duty goods and products of the United States nearly all of which we manufactured or raised in the country. Some of the advocates of Free Trade said the United States would eventually grant us Reciprocity, and that in the meantime we should not assume a hostile position in matters of Tariff. He did not agree with them and quoted from the correspondence relating to the Washington Treaty in support of his views. He contended that Free Trade had proved a failure in England, as the moment there was free access to the British market other nations had imposed a higher tariff than before, yet in face of this, statesmen in England had stated that the United States would see the advantage of admitting Canadian products and establishing principles of free trade. The American members of the High Commission had come to the conclusion that the free admission of the products of this country was of greater advantage to us than our fisheries and the navigation of the St. Lawrence were to them. He was not surprised that they had come to that conclusion. The last Trade Returns of the United States that he had consulted—those for 1869—showed that we had sent to the American market products of Canada to the extent of \$30,000,000 on \$25,000,000, of which duty equal to 20 per cent. had been paid, and it was not to be wondered at that they should decline to admit our products free. He quoted from the *New York Tribune* which stated that the reason our people emigrated to the United States was, that they could make more by farming there than they could in Canada, owing to

their protective duties, and said that it was not surprising that our young men went there in such numbers. He contended that if we had protection it should not be confined to the manufacturing interests, it should be general (hear, hear); let all be protected, but not one at the expense of the other. The people he represented held this view, and he had no doubt that at the next election they would consider it a vital question. He hoped that the House would see the importance of affording some protection to the farming interest, which was composed of a very peaceable and industrious class of the community, and that the question would not be viewed from a local and selfish point of view, but in accordance with its merits.

Mr. DE COSMOS said he was not prepared to speak at length as he did not anticipate the question would have come up to-day. He might say, however, that the feeling of British Columbia was a unit in favor of the protection of agricultural industry. The House and Government might think that because British Columbia had accepted the Canadian tariff she was not in favor of protection on agricultural interests, but she merely accepted that tariff because she did not think Canada would modify it to such an extent as to protect the farming interests and he made this explanation in order to show the Government and the House how desirable it was to let the matter go to a committee, so that there might be full enquiry as to whether the farming products should not be protected. The farmers of British Columbia were comparatively poor and the country rugged and they could not compete with America without protection.

Mr. STREET said the House had already granted a committee to enquire into the best mode of encouraging the manufacturing interests, and he did not think the agricultural interests should be looked upon as in any way inferior. When the Committee had reported, however, the House could discuss the matter much more intelligently than they could at present. He did not think that the view taken by some that the agricultural interests of the country required no protection was correct, but they would discuss the matter much better after receiving the report of the Committee already established. It would then be for the House to decide what should be done, and the Government could then state what proposition they deemed it advisable to submit. He hoped the Committee would be constituted.

Mr. O'CONNOR would rather have spoken after receiving the report of the Committee, but could not allow the occasion to pass after the remarks of the mover. The County of Essex felt more sensibly than any other part of the country the want of protection and the agricultural societies were unanimously in favour of such protection.

Mr. MILLS (Bothwell) said the matter had been taken up two years ago by Government for the purpose of establishing a well defined national policy, and they then believed that a protective policy would coerce the United States into granting more liberal commercial terms. That policy had been reversed by the House, and the matter had now fallen into the hands of the members for Hamilton and Leeds and Grenville. If those gentlemen were in favour of protection they ought to oppose all extension of public works, they ought to oppose the construction of the Pacific Railway and the enlargement of canals, because all those works tended to facilitate the intercourse between different countries. So long as Canada produced more than she required for her own consumption, the price would be regulated by foreign markets in spite of protection.

Mr. BODWELL thought the question should be discussed in a broad sense. Because British Columbia desired protection for the farming interests, it did not follow that such would be for the good of the whole Dominion. The price of products would always be regulated by foreign markets so long as there were exports to a greater extent than the imports. Farmers were never more prosperous than at present, and the cry of protection arose, not from the farmers themselves, but from those who were interested in getting protection for other branches of industry. He protested in the strongest terms possible against any protection being needed by the farming interests.

Hon. Sir FRANCIS HINCKS called the attention of the mover to the fact that his motion was very different from what it had been when moved on a previous occasion. As to the appointment of the Committee for inquiry there could be no objection, but he objected to that part of the motion empowering the Committee to recommend any action in the matter.

Mr. JONES agreed to have that part of his motion objected to struck out, leaving it a simple motion for the appointment of a committee of inquiry.

Mr. FERGUSON thought that the Committee would be of no possible use

unless it could make recommendations. A deputation had waited on the Minister of Finance two years ago on the same matter, and he had then accepted there recommendation and provided the protection now sought, and he charged the member for Hamilton and others who had been connected with the deputation with having entirely changed their minds in the interval. The more protection was given to the manufacturers the more the farmers suffered, and if this was to continue why the sooner the farmers left the country the better for them. He thought the alteration made on the suggestion of the Finance Minister destroyed the whole utility of the motion, and he would much rather that the whole matter should drop and that a direct motion should be introduced on which there could be a direct vote so that the country might see the action of her representatives. At present America could at any time send into Canada a quantity of grain sufficient to almost ruin Canadian farmers. He hoped the member for Leeds and Grenville would withdraw his motion altogether.

Mr. JONES (Leeds and Grenville) then requested to be allowed to withdraw his motion.

Mr. STEPHENSON hoped the motion would not be withdrawn. He thought it as necessary to protect the farmers' interests as those of manufacturers, and the two should go hand in hand.

Hon. Sir J. A. MACDONALD explained that the hon. member for Hamilton had moved for a committee to enquire into the extent and condition of the manufacturing interests of the Dominion, and the hon. member for Leeds and Grenville had moved in amendment that after the word "manufacturing" the words "and agricultural" be added. That amendment having been withdrawn his hon. friend now moved that a Special Committee should be appointed to inquire into the agricultural interests separately. The Minister of Finance had called attention to the last part of the motion of the hon. member for Leeds and Grenville in order to point out the difference between the two motions and guard against authority being given to any Committee to put on a tariff, which could only be done by Government. The Committee now moved for would have precisely the same scope as that to inquire into the manufacturing interests.

Mr. FERGUSON asked if the Committee could recommend the best remedy for protecting the farmers.

Hon. Sir JOHN A. MACDONALD replied

Mr. Ferguson.

that they could do anything short of reporting in favor of specific duties.

Mr. FERGUSON asked if they could report that duty would be the best mode of redress.

Hon. Sir JOHN A. MACDONALD would not tell the Committee what they should report, but he had no doubt that if his hon. friend was upon it he would not hesitate to make any suggestions that might occur to him.

Mr. JONES (Leeds and Grenville)—After the explanation of the Hon. Minister of Justice, asked that his motion might be allowed to stand. Motion carried.

Mr. KIRKPATRICK then moved the House into Committee of the Whole to consider a resolution declaring it expedient to make further provision for the collection of demands against vessels navigating certain lakes and inland waters of Canada.

Mr. HOLTON had no objection to his hon. friend taking this preliminary step to introduce his Bill, from its title he (Mr. Holton) knew it to be an old friend of his of years ago, but he was willing to let his hon. friend show whether he had made any amendments, and therefore he should make no objection to the stage made to-day. After considerable discussion as to whether the resolutions should be considered in Committee of the Whole,

Hon. Sir JOHN A. MACDONALD said he thought the proper time for the resolution to be discussed was in Committee of the Whole, in order that the House might go more fully into the matter than with the restraint of the Speaker in the chair.

Hon. J. H. CAMERON doubted whether the matter was one for Legislation by the Dominion or the Provinces, and mentioned such doubt in order that he might not be precluded hereafter from taking up the question as a matter which should go before each separate Legislature.

Hon. Sir JOHN MACDONALD—As a matter of course, the hon. gentleman had to make out a statement in committee for leave to bring in a bill.

The House then went into committee, Mr. SCATCHERD in the chair.

Mr. KIRKPATRICK, in introducing his resolution, said he believed that in the Province of Quebec there is recourse against a vessel itself for demands. We have no Admiralty Court, but the marine trade on our inland lakes should be fostered and protected. The hon. member for Chateauguay had said it was no new piece of legislation, that there had been

bill after bill brought into the Canadian Parliament. He (Mr. Kirkpatrick) agreed with the hon. gentleman, but would call to his attention that in 1864 a Bill passed the second reading, was referred to a Select Committee, reported with several amendments, and on the third reading, at the earnest solicitation of the Government of the day, thrown out, because it was at such a late period of the session, and the Bill was lost on the third reading by only two votes. A large number of petitions had been addressed to the House in favor of the principle involved in his resolution. He was daily and hourly brought into contact with shipmasters and others interested, and he spoke with some knowledge of the trade. His proposition was in favor of shipowners and shipbuilders, ship chandlers and seamen. At present they were liable to foreign ship masters bringing in their vessels for repairs and supplies, leaving in a great hurry, and perhaps never again more than touching at their port, or if the vessel should be an English one, it was frequently mortgaged to its full value; and so the Canadian ship builders and ship chandlers lose whatever may be due them. He thought the Bill, when considered and amended, as it probably would be, would give equal security to shipowners and seamen. He quoted from the British North America Act to show that the subject of the resolution was for Dominion legislation, and not Provincial.

HON. GEO. IRVINE sympathized with his hon. friend on the principle of the Bill he wished to introduce, but he thought the constitutional question suggested by the member for Peel was an important subject, and if the Minister of Justice was not prepared to give an opinion at once the matter should be postponed.

Hon. Mr. SMITH—Thought the question deserved great consideration, and would ask the hon. mover if there were any means by which seamen could enforce their wages against a ship. By the English law a seaman has a lien on a ship, but he can only enforce that lien through the Court of Vice Admiralty, and there is a similar lien for repairs provided the owner does not reside in England.

Mr. R. A. HARRISON said there were two questions involved. One of policy and one of power, and if there were doubts as to their power of legislating on the subject there was no object in doing so. He moved the adjournment of the debate.

Hon. J. H. CAMERON moved that the Committee should be allowed to rise and report progress, and ask leave to sit again. Carried.

AFTER RECESS.

The SPEAKER took the chair at 7.50 p. m.

Mr. WORKMAN moved to introduce a Bill to incorporate the Exchange Bank of Canada. The Bill was referred to the Committee on Banking and Commerce.

LARCENY OF STAMPS.

On the motion for the third Reading of "An Act for the avoidance of doubts respecting Larceny of Stamps,

Mr. JONES (Halifax) urged that the Government should abolish the Stamp Act. His own opinion was that it should be abolished and he at the same time expressed the opinion of the mercantile community of Halifax. Such a tax had only been resorted to by countries under the necessity of raising a large revenue, and he hoped the Government would accede to the well understood wish of the country in the matter and abolish the duty.

Hon. Mr. MORRIS explained that the remarks of the member for Halifax had no relation to the Bill before the House. The object was to meet a difficulty which had occurred and had already been explained to the House.

The Bill was then read a third time.

INSOLVENCY LAWS.

The adjourned debate on the second reading of Mr. Colby's Bill, for the repeal of the Insolvency Laws was resumed by

Hon. J. H. CAMERON—He thought the Bill should be referred to the Committee on Banking and Commerce before the House was committed to its principle. When the present Law had been devised it had received the greatest possible consideration, and the Government and the House had used every effort to make the Bill as nearly perfect as possible. The law had now been in operation for some time, and certain difficulties had arisen, but if proper amendments were made, the country would not desire its abolition. It ought to be considered what the position would be if the whole law were repealed without anything being substituted. He thought the Government ought to express their views on a matter of such great importance. He moved that the bill be not now read a second time but that it be referred to the Committee on Banking and Commerce, in order that they might report thereon. If after the matter had been considered by the committee it should be found that the inter-

ests of the country required its repeal, it could then be done. There were, no doubt, many objections, one of which was the system of voluntary assignments, and then again there ought to be a greater length of time between the claiming and granting of certificates, and there should be an absolute refusal in any case where the expenditure had been reckless. So long as a system of credit existed there must be insolvent laws and any one who desired to repeal those laws entirely ought to be prepared to repeal credit also. The experience of old countries should be taken into account, and a measure framed which would avoid the objections and yet meet the necessities of the matter.

On the Hon. Mr. HOLTON suggesting that the motion was scarcely in order, it was altered as follows: That the Bill be not now read a second time, but that the Committee on Banking and Commerce be instructed to inquire into the subject of the Insolvency Law and report thereon to the House by Bill or otherwise.

Hon. Mr. BLAKE thought the proposition would simply defeat the Bill by preventing it from coming before the House again this session; but perhaps that was the object of the hon. gentleman. He believed that the Insolvency Law was a good thing, and he was prepared to sustain that opinion. If Government determined not to repeal the law he should support them. The matter had now been before the House two sessions, and the member for Stanstead had procured a very large vote in favor of his views, and had stated his intention of pressing the matter this session, and the question now was not whether there should be amendments, but whether there should be an Insolvency Law or not—and it would be better to get the sense of the House on that question—Some gentlemen seemed to think that there should be an insolvency law from time to time, as particular crises arose. He could conceive nothing more unfortunate than such a state of things, nothing more unfortunate than that the laws regulating the relation of debtor and creditor should not be permanent. There should rather be a permanent law on such a footing that it should do justice in times of crises and not injustice in ordinary seasons. Although the machinery of the present law might be clumsy, it had the merit of putting the estate very considerably into the hands of the creditors, and the real difficulty was that the creditors having the estate in their hands did not take proper care in the management. He would call the attention of the House to the difficulties which would result from the

entire repeal of the laws. If he rightly understood the law in Quebec there was a quasi Insolvent law under which goods sold under executions ensured to the benefit of all the creditors. This gave to the people of Quebec a great many of the benefits without the evils of an Insolvent law. This however was not the case in Ontario, nor he believed was it the case in Nova Scotia or New Brunswick. There the law was of that unjust character that the first execution creditor swept away the whole property. This was a most unjust and calamitous principle and yet it would be the law if the present Act were repealed. With reference to the power given to creditors by the Insolvent law, of handing over the assets to an assignee, and to the consequences of that, the discharge of the debtor it had always seemed to him that the discharge of an honest debtor was a wholesome provision which might be defended upon general principles. He believed the interest of both debtor and creditor would be best served by a careful wording and working of the law, but the former was of no use without the latter, but while the creditors had ample control of the whole matter, they had themselves to blame if the results of the administration of the estate were not satisfactory. He believed it would be most unfortunate that the law should be repealed and reenacted in times of crises, and he only opposed the reference of the matter to a Committee, because he thought the House ought to come to a direct decision.

Hon. Mr. IRVINE thought it was much to be regretted that a matter of such great importance should be discussed in so thin a House, and especially in the absence of the first law officer of the Crown, and also that the views of the Government should not be expressed in the matter. He thought they were entitled to know what course the Government were prepared to take, if the majority of the House decided to repeal the laws. He had no hesitation in saying he was entirely opposed to the repeal, and if he supported the motion of the hon. member for Peel, it was not because he differed from the views of the hon. member for West Durham, but because he felt that there was in the minds of a great number of the members of the House very considerable dissatisfaction with the working of the law. Because there were objections in detail, however, he did not think there should be an entire abrogation of the system, nevertheless, it was most desirable that the first opportunity should be taken to remove those objections. He believed an insolvent law to be absolutely necessary. They had heard

Hon. J. H. Cameron,

of the necessity for it in Ontario, and to him it was almost inconceivable how such a law as that allowing the first execution creditor to absorb the whole estate could have remained unrepealed so long. In the interest of the creditor it was absolutely necessary that there should be an insolvency system, and though in Quebec there was no preferential right in the first creditor, they would have no means of collecting debts due to an insolvent, and devoting them to the benefit of creditors without an assignment. Another great reason why the law should be continued was that without it, it would be impossible to punish the frauds which were constantly practiced. It might be remembered that when the measure was first brought up, many urged upon the House the passing of more stringent measures for punishing fraudulent debtors, but without success, and he believed the want of those measures had been the cause of very much of the discontent respecting the Act. He held also that where a debtor had been unfortunate, but where there had been no frauds, he was entitled to be discharged. It might be said that where the debtor was honest, the creditors would never refuse his discharge, but he could not agree with that view, for there might be dishonest creditors and those who had had to deal with these matters knew well that it was common for creditors to try to obtain advantages over each other. He held there ought to be some independent tribunal which should have the right to discharge the honest debtor. From what had been said he thought it must be plain to all that a repeal of the law without any provision for winding up estates already insolvent would be almost impossible, and he believed that in a country such as this where credit existed to so great an extent, and where cases of insolvency were so frequent, some measure was absolutely necessary.

Mr. WORKMAN agreed with the hon. gentleman who had just sat down that on such an important matter the Government ought to have indicated their policy. It was a question which affected so greatly the interests of the whole mercantile community that it ought to receive from them a decided expression of opinion.

Hon. Sir FRANCIS HINCKS: We have not had a chance.

Mr. WORKMAN had had a good deal of experience in the working of the law. Since the amendments of 1869 the Act had been better understood. When a failure took place an assignment was made, and the creditors met and took charge of the estate, and the matter was

managed with a great deal more economy and dispatch than under any other other system. The Boards of Trade of the Dominion and of Montreal had petitioned against the repeal of the law, and their views ought to receive consideration, as they represent the views of the mercantile community. We were told that bad debts were much more prevalent than before the Act was passed. That had not been his experience, and he might safely say that the percentage of bad debts was not more than one-half of what it was before the law came into force. The amount recovered, also, was greater by from 25 to 50 per cent. than formerly. Then an insolvent was independent of his creditors and could make any settlement he pleased and fraud was the result. This could not occur now as the creditors had the power of taking possession of the estate themselves, and sifting it thoroughly. We were told by the mover of the present Bill that the law tends to promote immorality. He believed that there was less demoralization of commercial credit than there was before the law came into force. He knew there were some instances where men attempted to defraud their creditors, but we had every means of detecting and punishing them. There were defects in the Bill which the Committee might remedy. There was no satisfactory power to the Judge for the punishment of really dishonest debtors. He had never found that where an honest statement was made the greatest consideration and kindness had not been shown, and a discharge given. Therefore, debtors had nothing to fear from any increased severity in the law. It had been alleged that the expenses under the Act were so great that they swallowed up the estate. This had not been his experience. The law costs were not, in his opinion, one-tenth as great as before. He had merely stated his experience as a merchant, and he hoped that the law would be continued on the statute book.

Mr. SCATCHERD said the member for Montreal Centre had spoken under the authority of the Board of Trade of Montreal, and he (Mr. Scatcherd) agreed that that gentleman could from their standpoint, and from his standpoint as a merchant, speak in favor of the law. They could look with indifference at the loss they had caused in the rural districts by selling off the goods of an insolvent at so cheap a rate that the buyers could still undersell honest and solvent dealers, thus causing their stock to be left on their hands to the injury of trade. He contended that the Insolvency

Law had been in force long enough. He believed that it opened the way to fraud and that it was a matter of calculation with a man whether he should not take the benefit of the Act rather than pay his debts and he had never known a man to be punished for fraudulent practices under the Law. He thought it would tend to check such frauds if his debts were allowed to hang over him, and a discharge refused. He hoped the law would be repealed.

Mr. FERGUSON was not surprised at the view taken by the member for Montreal Centre. The Law no doubt suited merchants and manufacturers—they have the advantage over all other creditors, as they took good care to get the best security for their goods. If this Bill should be continued he thought a clause ought to be inserted, providing that in the investigation of an estate the whole of those securities should be taken into account, and all creditors equally dealt with. He believed that there was a great deal of fraud owing to the existence of this law, and the honest dealers in the country suffered in consequence. He had stated when the Bill came before the Legislature in 1864 that it was for the purpose of allowing men to avoid the payment of their honest debts. He did not believe that any amendments would prove of service—the only remedy was to dispose of it at once and for ever. It robbed the public and disgraced those who had anything to do with it, and he hoped it would be struck off the statute book. He had confidence in the skill of the Ministers of Justice and Finance, and was quite sure that if the House declared the law a nuisance and an enemy to the country at large, they would before the session terminated, be prepared to bring down a Bill acceptable to all.

Hon. Mr. MORRIS did not rise to protract the debate, though he thought the course suggested by the member for Peel the correct one. When the Bill was passed the best commercial and legal talent in the House was engaged in its preparation, and it would therefore be extremely impolitic in the present state of the House, when so many members were absent, to ask the House to pronounce an opinion upon so grave and important a question. One reason for the absence of so many members arose from the fact that a great orator (Mr. Punshon) was lecturing in the city, and it was not to be wondered at that they had been tempted away from their seats. He would suggest that the debate should be postponed and that it should be made a special order of the

day for some day next week. The House would then be full and the subject would receive that consideration which its importance demands.

Mr. COLBY suggested that it should be made a special order for an earlier day, if possible to-morrow (cries of “no, no, go on”).

Mr. RYAN (Montreal) said that when the matter was before the House last year he had voted in favor of the repeal of the law but he had since changed his opinion. He did not find that any petitions had been presented asking for the repeal, but on the contrary the Board of Trade of Montreal and the Dominion Board of Trade were in favor of its continuance with amendments and had forwarded petitions to that effect. The member for Stanstead had alluded to the petition of the Montreal Board of Trade and had tried to make the House believe that that Board did not represent the opinions of the commercial community of the city. He differed from him entirely. In Toronto also the Board of Trade had called a special meeting to discuss the question, and there was but one opinion, that they did not consider it desirable that the law should be repealed although amendments were necessary. In view of these facts he felt justified in changing his vote on the question and out of deference to those Boards he had much pleasure in supporting the motion of the hon. member for Peel.

Mr. CAMERON (Huron) regretted that the Government had not pronounced their opinion on the question. He had listened to the arguments of the three legal gentlemen who had spoken, and though they all admitted that amendments were necessary, they differed in their views as to what those amendments should be, and this only confirmed his belief that the only course was an entire repeal of the Law. The Act of 1864 might have served a good purpose but he contended that no Insolvency Law should have a permanent place on the Statute Book, as it was only intended to meet exceptional cases when men through no fault of their own became insolvent, and in cases of that kind it might be judicious to provide some measure of relief. He believed the circumstances that had made necessary the Law of 1864 had ceased to exist. He thought at the time of the passing of the Act of 1869 that it would have worked well, and that the provision for the punishment of fraudulent debtors would have given general satisfaction, but after 4 years experience he considered it a total failure. The machinery was complicated, troublesome and expensive, and

Mr. Scatcherd.

the creditors instead of deriving the benefit, found the estate absorbed between Sheriffs, Assignees, Inspectors, and other officials, called into existence by the law. The objection of the Solicitor General of Quebec, that there was no sufficient tribunal for the trial of insolvent cases was well founded; and it was one of the practical difficulties met with in Western Canada. Viewing the matter from every standpoint and looking at its working in in the country, he was prepared to announce that the Bill was exceedingly derogatory to the commercial morality of the country. It was a scandal to the statute book, and he should vote for its repeal. If circumstances should arise and difficulties present themselves requiring a re-enactment of the law, the Legislature was always in existence to deal with the question. They heard on all sides that the country was prosperous, and such being the case, there was no present necessity for the law. He should vote against the motion of the hon. member for Peel, and would like a fair vote of the House on the question. If the House did not declare against the continuance of the law, he did not believe that many members who should vote in favour of its continuance would return after the elections.

Mr. ROSS (Dundas), said the effect of the Insolvency Law had been to demoralize an important class of the community—the retail dealer. He thought it had been the means of inducing many men who had good intentions to do business honestly, to involve themselves, and then take advantage of the Law. If any measure should be introduced to meet the circumstances he would support it, but should now support his hon. friend from Stanstead.

Hon. Mr. SMITH hoped a division would not be taken to-night, as many members were out of their seats. He therefore moved, seconded by Mr. YOUNG, that the debate be adjourned.—Carried.

The House adjourned at 10 o'clock.

SENATE.

THURSDAY, 25th April, 1872.

The SPEAKER took the chair at 3 o'clock.

PETITIONS.

Hon. Mr. SANBORN favorably reported, from Committee on Standing Orders and Private Bills on following petitions:—

Of W. H. Gault and others of the City of Montreal, praying to be incorporated as "The Exchange Bank."

Of the British American Assurance Company; praying for the passing of an Act to alter and amend their Act of incorporation in certain particulars.

Of the Great Western Railway Company; praying that the restrictions of the one hundred and thirty-first clause of the Railway Act may be modified, and that the power of loaning and guaranteeing may be defined.

Of H. S. Howland and others, of the City of Toronto, praying to be incorporated as the "Pacific Junction Bridge Company," for the purpose of constructing a Railway or other Bridge over the river Ste. Marie, near the Sault Ste. Marie.

Of the Caughnawaga Ship Canal Company, praying for the amendment of the Act of Incorporation.

BAY VERTE CANAL.

Hon. Mr. DICKEY asked the Government whether the Report of the Survey of a Canal to unite the waters of the Gulf of Saint Lawrence with the Bay of Fundy will be submitted to Parliament, and when?

Hon. Mr. CAMPBELL replied that it would be presented during the present session. The Engineers, who had been directed to report on the Canal unfortunately fell ill, and the report was consequently delayed. It was now under consideration of Mr. Page, and would be laid before Parliament as soon as possible.

WELLAND CANAL.

Hon. Mr. BENSON said that since he had given notice of his enquiry with respect to the supply of water for the Welland Canal, he found there was an item already in the Estimates. It was, however, very desirable to know what action the government intended to take in connection with this matter, for the parties interested were very anxious on the subject. Two propositions for remedying existing difficulties were before the government, and he hoped they would soon be in a position to state their decision.

Hon. Mr. CAMPBELL replied that his hon. friend had seen there was an item in the estimates, and consequently his enquiry was answered. It was the wish of the government to expend the money so that the object desired might be accomplished this season. The two plans proposed for increasing the supply of water had been reported upon by the Engineers, and elaborate reports in connection therewith were now before the Board of Works, but he did not know what

conclusion would be arrived at by the Department.

FISHERIES.

Hon. Mr. MITCHELL laid on the table the Annual Report of the Department of Marine and Fisheries.

The House then adjourned.

HOUSE OF COMMONS.

THURSDAY, 25th April, 1872.

The SPEAKER took the Chair at 3 p.m.

ROUTINE.

A number of petitions were presented and read.

The Committee on Privileges and Elections Report relative to the Marquette (Manitoba) election was read. It was the opinion of the Committee that, there being an equal number of votes, both Mr. Angus McKay and Mr. Jas. S. Lynch should have been returned as elected. The Committee had adjourned until the morrow.

Hon. Sir JOHN A. MACDONALD submitted. He also stated that the Report on the Fisheries was of such a nature that it could not be submitted without prejudice to the public service. The Government extremely regretted that they could not bring down the papers; but in doing so there might be cause of embarrassment between the Imperial and Dominion Governments, which he (Sir John) should regret.

Hon. Dr. TUPPER submitted the report of the Department of Marine and Fisheries.

Hon. JOHN H. CAMERON moved that the Clerk of the Crown in Chancery be ordered to attend at the Bar of the House to make, in accordance with the suggestion of the Committee, the election return of Marquette (Manitoba) a double return.

(Dr. Lynch momentarily took his seat and withdrew.)

QUESTIONS BY MEMBERS.

Mr. RYAN, (Montreal West.)—Whether the Government has taken any steps to have the Imperial Copyright Act repealed, if not, whether they intend to take such action as to have the same repealed, as it bears most unjustly upon the inhabitants of the Dominion?

Hon. Sir FRANCIS HINCKS—The Government had strongly remonstrated against the Imperial Copyright Act, but had not taken any steps to obtain its re-

peal, although the most active measures, otherwise, had been taken to obtain a change. Lord Macaulay, sensible of the injustice of the act towards the colonies, had urged its repeal and there were hopes that we should ultimately succeed.

Hon. Mr. McKEAGNEY,—Whether it be the intention of Government to make provision in the Estimates for cutting a canal through the portage which separates the waters of the East Bay, Bras D'or Lake from those of Sydney Harbor, or to take any steps for the purpose of accomplishing said work, which taken in connection with St. Peter's Canal would be of vast importance to trade and navigation generally?

Hon. Mr. LANGEVIN said that the engineer appointed to examine the St. Peter's Canal would give his attention to this matter also.

Hon. Mr. McKEAGNEY,—Whether it is the intention of Government to make provision for the construction of a Marine Hospital at the port of Sydney, Cape Breton, now so urgently required by the increasing trade and shipping in that locality?

Hon. Dr. TUPPER—The Government had provided for a Marine Hospital at Sydney, Cape Breton.

Hon. Mr. McKEAGNEY,—Whether it be the intention of the Government to make provision in the Estimates for the construction of a Lighthouse at Gabrus Harbour, Cape Breton, now so much required for the purpose of protecting the large interest engaged in navigation and shipping along the Southern coast of Cape Breton?

Hon. Dr. TUPPER—It is not the intention of the Government to do so.

Mr. FOURNIER,—Whether it is the intention of the Government to complete the lot of land necessary for the construction of the Post Office now in course of erection in Quebec, by purchasing from the Hon. Henry Black, his property which adjoins the said Post Office?

Hon. Mr. LANGEVIN.—The matter is under the consideration of the Government.

Mr. STEPHENSON,—Whether it is the intention of the Government in view of the increased Revenue of the Dominion, to introduce a measure to totally abolish or further reduce the rates of postage on newspapers printed and circulated within the Dominion of Canada?

Hon. Sir FRANCIS HINCKS.—It is not. The Post Office expenditure is largely in excess of the Revenue.

Mr. DELORME (St. Hyacinthe)—Whether it is the intention of the Govern-

Hon. Mr. Campbell.

ment to bring down a measure to facilitate the incorporation of the different Boards of Trade of the Dominion, now applying, or which may hereafter apply for an Act of Incorporation?

Hon. Sir JOHN A. MACDONALD.—It is not. Any Board of Trade can obtain an Act of Incorporation without difficulty.

Mr. THOMPSON, (Cariboo).—Whether it is the intention of the Government to assimilate, during the present year, the Postal arrangements in British Columbia to those in the other Provinces, by extending the Money Order System to that Province where Post Office Orders are now only issued on Great Britain?

Hon. Sir FRANCIS HINCKS said it was the intention of the Postmaster General to send a Post Office Inspector to British Columbia, and on his report action would be taken.

Hon. Mr. HUTCHINSON, in moving for a Return of all officers pensioned since the 1st July last, complained of the manner in which the Act had been put in force in New Brunswick. An old man who had been appointed to an office in his District had received a pension of \$400 after four years service, and a brother of the Minister of Marine and Fisheries had been appointed in his place. He complained of the manner in which the patronage was dispensed in that Province. Nothing could be done without the intervention of the Minister of Marine, and whenever he sought information in any of the Departments he was always met with the answer, "Go to the Minister of Marine" (laughter.) As there was another motion on the paper with regard to the Superannuation Act he would allow his to drop, reserving further remarks until the other motion came up.

GRENVILLE CANAL.

Mr. METCALFE, in moving for copies of tenders sent in for repairing or enlarging the Grenville Canal, remarked that it had been said that there was some irregularity in the letting of the contract. It had been usual with parties, many of whom knew little or nothing about the construction of such works, to give in several Tenders under different names for the same contract, and if it turned out that there were lower tenders the parties were bought off in some way, and the contract secured. In England, where a contractor was known to be interested in several Tenders, the whole were thrown out, and he thought the same system should be adopted here. The motion was carried.

Mr. McDUGALL (South Renfrew)

moved for copies of Instructions, Correspondence, &c., respecting certain divisions of the Canadian Pacific Railway Survey. He stated, with reference to the Divisions in his part of the country, that there had been great mismanagement and unnecessary expense, and thought that the country should know who had been the cause of such mismanagement. In the Ottawa Valley it was well known that the laboring men, axemen, &c., who had been engaged were unfit for the service and the Commissariat had been neglected. When the men had gone about 100 miles of their journey they had been obliged to wait for nearly a month so that they might get the provisions absolutely necessary for them, and when they did arrive it was found that a large amount was useless. For instance, three barrels of flour to 100 barrels of sugar had been sent, and 30 yards of sticking plaster for forty men (laughter). He alluded to the dismissal of the Engineer on Division C, and thought that the result of the investigation into his case should be laid before the country. He presumed that that gentleman had no other means of supporting himself except by his professional labor, and as stains might now attach to him, it was only right that the report should be before the House, in order that he might be cleared, if not guilty of neglect.

Hon. Mr. LANGEVIN said there was no objection to the motion. In answer to the remarks of the honorable gentleman, he would say that in these surveys, as well as in all others of such an extent, some mismanagement would occur; but taking the whole extent of the survey, everything had been done that could be done. A proper survey had been made within the time fixed by the Act. The honorable gentleman might have been wrongly informed as to the mismanagement; but, at all events, the 30 yards of sticking plaster would not amount to much. The papers would be brought down.

Hon. Mr. MACKENZIE desired to ask the Minister of Public Works whether he intended to place any general report of the progress of this survey on the table before taking any action with regard to the Pacific Railway? He thought it important that the House should have the information before going into the discussion of the subject.

Hon. Mr. LANGEVIN replied that it was the intention of the Government to lay the report before the House as soon as possible.

GAUGES OF INTERCOLONIAL RAILWAY.

Mr. BODWELL in moving that the House go into committee to consider a Resolution declaring it desirable to adopt the 4 feet 8½ inch gauge in the construction of the Intercolonial Railway, said that he did not make the motion from any feeling of hostility to the enterprise, but in the interests of the country. He did not propose to discuss the subject of the location of the road, or refer to the unsurpassed folly in selecting the North Shore route, but as the road was to be built, he thought it should be completed in the most satisfactory manner possible. It would be remembered that when the question of the gauge of the Intercolonial Railway was brought before the House on a former occasion, a large number of members were in favor of five feet six inches, in preference to four feet eight and a half inches, but he believed that after careful consideration a majority of the House would now come to the conclusion that in the interests of the country it would be better to adopt the narrow gauge. The Railways in the United States were nearly all built with a gauge of four feet eight and a half inches. The Great Western Railway, and many other Railways in Canada, had seen fit to adopt a narrow gauge, and the Government had determined, as announced last Session, to construct the Pacific Railway on that principle. When Railways confined their rolling stock to their own roads as formerly, it did not matter so much, but now it was quite common to allow the rolling stock of one road to pass over another, in order to save the necessity of breaking bulk. He thought it desirable that our roads should be so constructed that we might take advantage of the connection which we expect to have with other Railways. If the dreams of some were ever to be realized, that not only local traffic, but the trade of China and other countries in the East with Europe, would follow our route from the Pacific to the Atlantic, it was most desirable that the Intercolonial road should be constructed, so that freight might go through without breaking bulk. The argument would be used that the Grand Trunk Railway was built on the five feet six inch gauge, and that that would be an obstruction. But at the last meeting of the Grand Trunk Shareholders the question was brought up, and the remarks of the President of that Railway went very strongly in favor of changing the gauge so as to correspond with other railways on this continent. The only

difficulty to prevent it would be the large expense. It might be said that a change on the Intercolonial Railway in the present state of the work would involve an increased expenditure, but he apprehended that the additional expense would be more than counterbalanced by the saving that would be effected in constructing the remainder of the road for a narrow gauge. Viewing the matter in this light he thought it desirable that a movement should be made now, in the infancy of the work, to build the railway on the proper gauge. He hoped that in considering this question the House would set aside every consideration except that of the best interests of the country.

Hon. Mr. LANGEVIN said that the honorable mover of the motion had not, in his opinion, stated any good reason why this change should take place. He considers a change of gauge necessary because the general gauge of railways on this continent is 4 ft. 8½ inches. If we had to build anew our railways he (Mr. Langevin) could agree with him that we should adopt the general gauge of the continent. But the great railway of this country, the Grand Trunk Railway, has a gauge of 5 ft. 6 in., and the honorable gentleman has not shown us that that railway company is ready to change the gauge of that railway, or that they have the means of doing so. He knows that the expense involved in that change would be very great, and he knows fully, and the country knows, that the Grand Trunk are not disposed now to make the change, and have not the means at their disposal. If Parliament were to adopt the suggestion of the honorable member, what would be the consequence? We should have the Grand Trunk, the great highway of Canada, with a gauge of 5 feet 6, and the Intercolonial 4 feet 8½. What advantage would be found in a change of that kind? It would cause great delay and endless trouble and annoyance at Riviere du Loup, where passengers would have to change, and freight to be transhipped. He (Mr. Langevin) did not see any advantage in such a change. The honorable gentleman had forgotten that all the railways in the Lower Provinces running in connection with the Intercolonial had the broad gauge, and that therefore the result of the change proposed would be to compel a change of passengers and freight at Moncton, Windsor, and Truro. The Windsor and Annapolis Railway, also a connection of the Intercolonial, had the broad gauge, and the members from the Lower Provinces knew that that railway was not

Mr. Bodwell.

in a position to change its gauge. The European and North American Railway, running from Shediac to St. John, would have to be cut in two, as that portion of it between Monckton and Truro would form part of the Intercolonial. The honorable gentleman would say that the Government would put a third rail on that portion of the road, and also from Truro to Halifax; but he must remember that such a change would cost about \$350,000, and he should reflect on this. It was expected that by the 1st September next the line from Halifax to St. John would be completed—that is to say, that the Intercolonial from Truro to Amherst would be in working order. But if the motion of the honorable gentleman prevailed all the work on that portion of the line, between Truro and Amherst would have to be stopped, because we should require new cars and engines for ballasting the line, those now in use being broad gauge. Besides, it must be remembered that a large quantity of the rolling stock for the line is now being completed, and that some of it, in fact, has been delivered already. He (Mr. Langevin) was informed that the change of gauge of those railways in Nova Scotia and New Brunswick, and the rolling stock, would cost over a million of dollars. It had not been shown that a gauge of 5 feet 3 would not be better than 4½ feet 8½. Those who were obliged to give their attention to matters of this kind know that it was more by accident than otherwise that the gauge was fixed at 4 feet 8½; and engineers say that their experience has convinced them that if a gauge had to be selected for a railway to-day, they would not select 5 feet 6 or 4 feet 8½, but probably 5 feet 3. Under these circumstances, and taking into consideration the following facts that all our railways in the Lower Provinces, the Grand Trunk Railway, and the connections with the Intercolonial Railway were all on the broad gauge, that the cost of changing the gauge of our railways in the Maritime Provinces would incur an expenditure of over a million dollars; that the Intercolonial would be delayed at least a year, and that it would cost a large sum of money to the country, he did not think that it was in the interests of the Dominion to make the proposed change. The time for fixing the gauge was when the Act authorizing the construction of the railway was passed. That Act fixed the gauge at 5 feet 6, and the Government have carried out that provision. To change now would cost so much money that the House should pause before agreeing to the motion of the honorable gentleman.

Mr. SHANLY said he had always been in favor of the four feet eight and a half gauge. He thought that when the matter was before the House last year the Government had a good opportunity of assisting the broad gauge lines of Western Canada to change by taking their rolling stock, which was a matter of very great consequence. If before contracts had been given for the construction of rolling stock for the Intercolonial Government had entered into negotiations with the Grand Trunk and other broad gauge lines they could have enabled those lines to bring their gauge down to the narrow, which must come about at some time or other. He did not advocate the narrow gauge for its mechanical merits, but simply because it was the gauge of the continent, and he believed the loss sustained during the last 14 years by broad gauge line was much greater in amount than would be the whole cost of changing the gauge of these lines. But although he held this opinion he believed that to change the gauge of the Intercolonial now, after immense contracts had been entered into, would only increase the blunder. In years to come when the rolling stock should be worn out, there would be another opportunity of buying up the present rolling stock of the wide gauge lines of the West and also enabling them to change to the narrow, as without such aid as this it would be impossible for the Grand Trunk and other lines to change.

Hon. Mr. MACKENZIE said that although the remarks of the member for Grenville had the greatest weight he thought they contained one fallacy. That member seemed to contemplate that all the rolling stock would wear out on one particular day, whereas there would be constant wearing out, and consequently there would have to be constant replacement.

Mr. SHANLY said what he had intended was, that if last year Government had decided to have new stock for the Intercolonial, but to purchase that of the Western broad gauge lines, those lines could have changed their gauge, but that with immense contracts for new stock in hand, he did not think it advisable that the gauge should be changed.

Hon. Mr. MACKENZIE said that though there might be something in that the question now resolved itself into this. The hon. member contemplated as an inevitable necessity of the continental system the abrogation of the broad, and the adoption of the narrow gauge, though it might be a question of time, but would it not be better to face the necessity now?

The question was not a political one, but should be discussed carefully and on its merits. Not one fourth part of the rolling stock which would be necessary was yet constructed, and therefore though a large amount had been expended, would it not be better to stop further expenditure until the matter was definitely settled? As to the difficulty alluded to by the Minister of Public Works that a narrow gauge would necessitate a transshipment at Windsor, that was a matter of no weight, for there was already the same difficulty on the Grand Trunk. Every one knew the immense advantage derived from the New York Central, the Great Western, the Michigan Central and other lines, having a uniform gauge, the result of which was that cars from Hamilton could be seen west of St. Paul. He had understood the Minister of Public Works to intimate that the Pacific Railway would be built on the narrow gauge. That road would have to connect with roads in Ontario and Quebec, and must, to form a great trans-continental line, have some Atlantic terminus, which could not be done unless the gauge of the Intercolonial were changed. There was a project to build a road from Quebec to Ottawa, to join ultimately the Pacific, and that road would doubtless be on the narrow gauge. It was intended also to construct a bridge over the St. Lawrence at Quebec, and with this accomplished there would only be some 140 miles of the Grand Trunk before the Intercolonial was reached at Rivière du Loup, and with this distance changed to the narrow gauge they would have if the resolution were carried out a continuous narrow gauge line from east to west. As to changing the Government roads in the Maritime Provinces he thought the sum of \$1,000,000 named by the Minister of Public Works as necessary for that purpose must be a great exaggeration. The only difficulty in the matter seemed to be the interposition of the Grand Trunk, and the fact of that line not being in a financial position to change its gauge. He believed overtures had been made to the Government to assist them to effect that change, but in the present state of the indebtedness of that line to the country, the country would scarcely be disposed to lend the money required for a change of gauge. He thought it questionable whether it was not, after all, the wisest course to adopt that measure at once which the member for Grenville, the highest authority in the House, considered an inevitable necessity at an early day.

Mr. SHANLY had not heard what the

Hon. Mr. Mackenzie.

Minister of Public Works had said of the cost of changing the gauge of the lines in the Lower Provinces but thought \$1,000,000 might very easily be used in such a work.

Mr. WORKMAN (Montreal) said it might be considered presumption in him to speak after the member for Grenville, but he had given great consideration to the matter. He was decidedly in favor of the narrow gauge principle. He mentioned the Great Western, the Ohio and Mississippi, and the Erie Railways, as instances of the great good resulting from the broad gauge having been changed. It was almost universally admitted that the narrow gauge would have to be ultimately adopted, and therefore the sooner it was done the better. He had listened with great attention to the Minister of Public Works, who had made out a very good case, and had almost convinced him, but still he thought it would be best to meet the matter at once. He had heard that what rolling stock had been constructed, had been done in such a way that it could be adapted to the narrow gauge with very little expense, and if such was the case a great difficulty would be removed. He believed on good authority that the great weight of the cars and locomotive used on the Grand Trunk occasioned immense wear and tear, and he believed the delays and accidents now so frequent would be to a great extent avoided under a narrow gauge system. He trusted the question would receive the careful consideration of the House, and though serious expenditure might be involved, yet he understood only some twenty miles of line had yet been laid. If the line were to form a part in a continuous system from Halifax to Vancouver's Island, the gauge must be narrow.

Mr. MAGILL said that the narrow gauge had almost carried in the House last Session, and the member for Grenville now stated it to be the gauge of the continent, and this being so he considered it would be much easier to change now when the road was only partially constructed than when it should be completed. He also referred to the Great Western as an argument in favor of narrow gauge. He hoped the Government would not be frightened at the expense, but would yield to the imperative desire of the country. It was comparatively a small matter to narrow a gauge. The Grand Trunk would change theirs if they could, and the time would arrive when they would do so. He hoped the motion would pass.

Hon. Mr. HOWE admitted that the argument of the member for Grenville, in favor of narrow gauge was unanswerable, and if there were no difficulties there would be no difference of opinion, but a change in the gauge of the Intercolonial would be a gross breach of faith and honor with the Maritime Provinces. In those Provinces the roads were broad gauge, and a different gauge on the Intercolonial would deprive Nova Scotia and New Brunswick of all benefit from that line.

Hon. Mr. BOLTON thought the importance of the matter justified a full discussion. He had listened with great pleasure to the statement of the Minister of Public Works, whose arguments were very strong and almost convincing,—but that hon. gentleman had overlooked the value of the Railway connection between Halifax and the United States. It was only a question of time as to the broad gauge lines being narrowed, and before the Intercolonial was complete there would be a narrow gauge line into St. John. The broad gauge stock constructed for the Intercolonial could very well be used on the present broad gauge lines and he should therefore support the motion on the ground of economy as well as expediency.

Mr. STREET thought it unfortunate that the narrow gauge had not been adopted in the first instances of Railway construction, but he did not see how it would be possible with prudence to disturb the gauge of the Intercolonial, considering the great difficulties in the way of doing so. Contracts were already heavy, and the Government would have to keep them no matter what advantage there might be in a change,—then a very large expenditure would be necessary to change the gauge of the roads in the Lower Provinces, and he did not think they should be prepared to throw upon the country the great burden of these expenses. The Grand Trunk would have to form a portion of the communication, and there was no reason to believe that that Company would change their gauge, for their means would not admit of their doing so; and certainly he did not think Parliament was prepared to help them to do so. For these reasons he was not in favor of the motion.

Mr. WALSH said the question presented itself to his mind in two aspects—convenience and economy. Most of the gentlemen who had spoken had referred to the great advantage of lines connecting with each other having a uniform gauge, and consequently he

thought the Intercolonial should be uniform in gauge with those lines with which it connected. It connected at every point with broad gauge lines, and therefore on the ground of convenience it also should be broad. It had also been forcibly pointed out that if the Intercolonial were broad gauge the Lower Provinces would have a uniform gauge from east to west, whereas otherwise there would have to be a breakage at each end of the Intercolonial, and therefore, on the ground of convenience, the broad gauge should be adhered to. As to the question of economy the House would remember that the contracts had been let out on the principle of lump sums, and therefore, as the contractor would be entitled to that lump sum whether a broad or narrow line were built, a change would not save one dollar on the contracts. Then, again, a large number of platform and box cars had been constructed which could not be changed, and therefore a change would involve the loss of the whole cost of their construction. As to locomotives, forty were under contract; but after the vote of last year, instructions had been given that they should be so built as to be capable of change when necessary. He considered, under these circumstances, that they would not consult the convenience of the trade and commerce of the country by changing the gauge at the present time, while nothing would be saved in constructing the line, but the additional cost of changing the stock would be incurred. Taking into account the character of the country through which the line would pass, and the obstacles it would encounter in winter, he could not admit that the narrow gauge would be the more suitable. He referred to the fact that during the past winter the St. Lawrence and Ottawa, a narrow gauge line, had often been blocked by snow, while the Brockville and Ottawa, a broad gauge, had remained unobstructed, though he would not state that this was altogether on account of the difference of gauge. He thought that economy and convenience required that the old gauge should be adhered to, though when the time came that the Grand Trunk should change its gauge, the Intercolonial might be changed also.

Hon. Mr. McDOUGALL, (Lanark) was very glad the question was again before the House, though he scarcely expected the resolution would be confirmed. As to the broad gauge lines encountering the winter season better than the narrow gauge lines such an idea had proved to be purely imaginary. He thought the matter should be thoroughly investigated as to

which gauge was best, and the House would then be better able to decide whether the change should be made, and he would desire to have the matter referred to a committee of the House which could examine Engineers and Railway Managers, and ascertain the true facts of the matter. He thought the argument of the last speaker that a broad gauge was more suitable to overcome the difficulties occasioned by snow, was met by his admission that the gauge would ultimately have to be narrow, for certainly time would not change the snow, and he believed the narrow gauge was equally able to contend against snow with the broad gauge for the increased breadth and consequent increased resistance, entirely counterbalanced any increase of motion power. To him the question seemed a large one, involving a great outlay of money, and the public interest would be best served by a thorough examination. As to the argument that the Grand Trunk, being a broad gauge, required that the Intercolonial should be so also, he could not see its force, for he apprehended each road would have to use its own rolling stock and if so there might as well be a transfer from a broad to a narrow gauge car as from one broad gauge car to another. As to the cars already constructed he agreed with the suggestion that they could be used on other Government broad gauge roads. The whole question was one for investigation, calculation, and decision on evidence, and the House was not in a position to decide the matter now. It would be very awkward if, in some years to come, it was found that in the face of the whole experience of the railways of America and Western Canada the House had continued a construction of a gauge altogether inferior and more expensive. He had great confidence in private railways and he hoped that the House would not deal with the question on party grounds, and that Government would not adhere to their previous decision if full enquiry should result in a decision in favour of a narrow gauge.

Hon. Mr. BLANCHET said his individual opinion was in favour of the narrow gauge, but he could not take the responsibility of involving the country in so great an expense as was implied in a change of gauge under present circumstances. Moreover he could not admit that the narrow gauge was the gauge of the continent. The railways of the Northern States had a wide gauge, and those of the Southern States had generally the same gauge.

It being six o'clock the House rose.

Hon. Mr. McDougall.

AFTER RECESS.

INSOLVENCY LAWS.

The House resumed the adjourned debate on the proposed motion of Mr. Colby for the second reading of the Act to repeal the Insolvency Laws, and the motion of the Hon. Mr. Cameron (Peel), in amendment thereto.

Mr. MAGILL said he was in favour of the repeal of the Insolvency Law. After an experience in business, extending over a period of thirty-one years, it was his candid opinion that the law tended to demoralize honest traders and worked to the advantage of the dishonest and fraudulent. Men should be made to feel the responsibility of their obligations, and not be allowed to fall back upon the Insolvency Law. He thought that any man who could show an honest record would be liberally dealt with by his creditors. He was satisfied that every honest trader was in favor of the repeal of the law, and he would hold every man responsible for the obligations he entered into.

Mr. SCRIVER, from experience, had arrived at the conclusion that the law in force had a great many imperfections. He had seen many instances in which estates, when wound up, had not produced the satisfactory results hoped for, but, at the same time, he thought an insolvency law was necessary in order that creditors should be protected. Should the law be repealed altogether, the fortunate creditor who might happen to be on the spot would get the lion's share, and the others would have to take what they could get. The hon mover of the motion had in effect acknowledged that such a measure was judicious and proper. He would have preferred having the bill referred to a select committee, in the belief that they would be more likely to get a report than from a committee having so much business as that of Banking and Commerce. He would prefer seeing the law amended in some particulars, but would not support the motion of the member for Stanstead.

Mr. YOUNG remembered something of the state of things prevailing throughout Ontario before the present law, those were the days of preferential assignments when a single creditor seized the whole of the goods. He thought the motion was altogether too sweeping,—they should endeavor to correct the errors in the law, but not reject the principle altogether. One honorable gentleman had stated that cases of insolvency were increasing rapidly,

and where there were five hundred insolvents before the passing of the law there are a thousand now, but the honorable gentleman must have drawn on his imagination, as there were only three hundred insolvents gazetted last year, and for the quarter ended 31st March last there were only 114 against 133 for the same period last year. He attributed many of the failures, not to dishonesty on the part of debtors, but to the lax manner in which importers conducted their business. He thought the law had had the effect of restricting credit, and causing more cash transactions. Unless an Insolvent could pay 50cts in the dollar, he could not get a discharge for three years, and if he could pay 75cts in the dollar he could get his discharge in one year, so that the tendency of the law was to induce a man to take advantage of the Insolvency Court while his estate would give a dividend to his creditors, instead of struggling along until it was eaten up altogether. The argument had generally been in favour of amending the law instead of repealing it, and many members who last year voted for the repeal would support the Bill this year. With one exception, not a petition in favour of repeal had been laid on the table. He thought the Government should have stated their views, and the side they intended to take in the matter. If the law was repealed, the table would, in less than a year be flooded with petitions for its re-enactment. It should be remembered that the measure expires next year, and he could not see that anything would be gained by putting an end to it this session. It should at least have a fair trial so that they could see its effect. He trusted the Bill of the hon. member for Stanstead would not pass, but that it would be referred to the Committee on Banking and Commerce, or "other means taken to introduce those amendments which time and experience had shown to be necessary.

Mr. BELLEROSÉ considered a bankruptcy law necessary, but the present law required many amendments, and he moved that the debate be adjourned to the 9th May.

Mr. KIRKPATRICK thought the Insolvency Act as at present encourages fraud. Wholesale merchants send out their agents who force their wares on country dealers, thus overstocking them, the result being in many cases a bankrupt stock, which does not trouble the wholesale dealer very much, as he is sure of getting his share, while the honest and solvent trader is injured by the sale of the bankrupt stock at reduced rates.

He was perplexed as to how his vote should be given, but on consideration he had arrived at the conclusion that the present law was unacceptable to the country. He should therefore vote for the motion of the hon. member for Stanstead; but while he should vote for the second reading, he did not wish it to be understood that he was opposed to all insolvency laws.

Mr. McDONALD (Antigonish) did not hesitate to say that the law, as it now stands, is superior in many respects to the English law. Many who were opposed to it last year were in favor of it this year. If the law was repealed, every man whose solvency was doubted would be pounced upon by his creditors, and in many cases one creditor would get the whole of the estate. He believed that every country desirous of promoting prosperity should have a bankruptcy law. The Bill had been in operation in Nova Scotia during the past two years, and in the constituency he represented there had not been one single case of bankruptcy, and in no case which had come under his notice had it been shown that the parties were guilty of fraud. He would vote against the motion of the hon. member for Stanstead, but would vote for any Bill that would amend the objectionable clauses of the present law.

Mr. LANGLOIS explained the Lower Canada law in respect to the winding up of insolvent estates. He feared that if the Bill was referred to the Committee on Banking and Commerce no return would be made this session. He hoped his hon. friend the member for Laval would withdraw his motion.

Hon. Mr. MACKENZIE did not intend to discuss the particulars of the Bill further, but he thought that putting it off for a fortnight was practically killing it, and he would ask honorable gentlemen who were opposed to the measure to take a vote upon it. The sense of the House had been tested last session when a majority gave an opinion in favor of the measure now before the House, and he believed that if members voted according to their convictions the same opinion would now prevail. The proposal of the honorable member for Peel was simply to kill the bill, and it would be much better to take a direct negative vote than to make an amendment that said practically that the bill of the member for Stanstead was one that ought not to pass. Some legislation might be necessary, either by this House or the Local Legislature, in order to give effect to some more equitable mode of effecting the distribution of

bankrupt estates. That question would have to be met either here or there, but he did not think that a sufficient reason for refusing to repeal the present bankruptcy laws. That could be provided for when the difficulty arose. He had watched the operation of the law for many years and had come to the conclusion that it was not a beneficial law. Although the Act expired of itself in a very short time, a general demand had arisen in the County for immediate repeal, as it practically enriched the official assignees at the expense of the creditors. This was the experience of all, but perhaps a few wholesale merchants, who have found the Act conducive to their interests. He believed that an absolute injustice was done to the majority of the people by its operation, and he would assist to the utmost in his power in obtaining a repeal of the law. He admitted that other measures would be necessary, and he was prepared to give them an earnest consideration; but the amendments made from time to time had simply resulted in making the Act more expensive in its operation, and more difficult to understand. For these reasons he hoped that all who were in favor of an alteration in the law in the sense he had indicated would vote against the motion of the member for Peel, and the amendment of the member for Laval.

Mr. COLBY was not insensible to the importance of the question. He had approached the consideration of the question purely in the interests of the country; he had no personal interest in the matter, except that interest which every honorable member should take in a subject of this kind. Although he had been entrusted with the management of the Bill, he had not taken advantage of thin benches or surprise votes to press the matter. After all he had heard, his convictions that the law was a bad one were not lessened, but the principles which he had laid down in his opening remarks had been in his opinion fully confirmed. He had contended that an Insolvency Law should only be temporary in its character, and this view had not been met in a manner to induce him to change his opinion. He regretted that his honourable friend from Brome, who agreed with him in his general views on this question had not an opportunity of quoting as he had intended certain authorities on the nature of a Bankrupt Law as viewed in the United States and in England, which would be found to bear out his views. Having quoted these authorities, the honorable gentleman proceeded to say that

his argument was, simply, that a bankruptcy law was justifiable in certain conditions of trade, as a general amnesty was justifiable after war, but that it should not be allowed to remain on the statute book after the exigencies which required it had passed away. The law had never worked well either in England or Canada. The defect was not in the machinery, it was an inherent defect in the law itself as adopted to the present condition of affairs. It was conducive to fraud and the lowering of the standard of business honor and integrity. He had listened to the argument of those learned gentlemen, the hon. members for Megantic, West Durham and Peel, gentlemen of high legal standing in the country, and he found that they all agreed that the law was defective, but differed as to the nature of the amendments required. But still they thought it should be allowed to remain on the statute book. He contended that a law which did not apply to non-traders as well as traders was not sound in principle, and he would like to hear any advocate of this law say that he would be willing to see it applied to non-traders. He did not believe with the honorable members from Montreal that this law was a favorite law with the commercial classes of the country. The merchants of Quebec, Three Rivers, and St. Hyacinthe, he believed, did not approve of the law, and the great commercial cities of Ottawa, Kingston, and Hamilton have already spoken or will speak against it. The retail traders were all against it. The member for one of the Wards in Montreal had read a letter from a high authority in that city to the effect that the mercantile community were in favor of the bankrupt law. He would take the liberty of referring to a letter from the same correspondent to the effect that the insolvency laws had been a failure and a hardship to creditors, and that their losses since 1864 had been fully 50 per cent. more than they were previously. He also read letters from Montreal as to the action of the Board of Trade to show that it in no way represented the feeling of Montreal, and questioned the grounds of the member for Montreal changing his vote, because of the action of the Boards of Trade. He said he spoke earnestly because he felt warmly that the law should not continue, but was quite willing that there should be a law enacted as a substitute which should properly meet the requirements of the country. He was also prepared to endeavour to frame a law for the relief of the honest debtor. It was coolly proposed to send his Bill to a Com-

Hon. Mr. Mackenzie.

mittee, and the result would be altogether different from that desired and he could not consent to it. The Bill was not a new matter, there has been no lack of time for consideration, and he would consent to nothing but a straight division, and he would then and only then bow to the decision of the House.

Mr. RYAN desired to correct the statement of the member for Stanstead as to the views of the merchants of Montreal. He quoted from a letter to show that amendment not repeal was desired.

Mr. HOLMES had come to the conclusion that it was not in the interest of the Dominion that there should be a bankruptcy law, or any mode which enabled the debtors to defraud creditors. As the law now existed many innocent farmers were ruined by simply becoming security for business men who afterwards became bankrupt. The law should be repealed.

Hon. Sir GEO. E. CARTIER in rising to state the views of the Government on the question, congratulated the member for Stanstead on the way in which he had supported his measure. Too great importance was attached to the existence or non-existence of an insolvent law. That law was a temporary one, and one ground of opposition taken to the measure for repeal by the Government last year was that the law ought to have a fair trial, but the House had decided against them. That ground was stronger now, and he thought the feeling against the law had been somewhat exaggerated by the member for Stanstead. The law would expire next year. There were only some 100 insolvents yearly, and it was therefore neither just nor right that the law should be repealed in its last year, for Ontario, Nova Scotia, and New Brunswick had no other law on the subject, and very great inconvenience would ensue to them. He appealed to the members for Lower Canada that they should be considerate towards the other Provinces in the matter. The law was only beginning to be understood, and the obvious course was to let the matter rest, and the Act could then expire in its natural course. Another reason for this course was that they were on the eve of a general election, in which this matter would have great weight with the electors. He had never been a warm advocate of a bankruptcy law, but one who like him had come in contact with business men must have found that there must necessarily be some bankrupt law. A great amount of business was done on credit, and consequently there was speculation, and perhaps recklessness, and there must be some

provision for honest bankrupts, so that he need not remain overwhelmed with debt all his days. They did not make it a Government question, for though some of the members of the Government were not in favor of a bankruptcy law, the majority were opposed to repealing it at the present time and on the eve of a general election. He again appealed to the members from Quebec not to leave those of other Provinces liable to a system which allowed the first creditor to absorb everything but to let the matter rest for another year. The position of the Government was the same as last year.

Hon. Mr. HOLTON could not allow a vote to be taken without explaining his action. Last year he voted for the measure of the member for Stanstead, because he believed the commercial community to be averse to the continuance of the Insolvent Law, but he now believed that the matured opinion was, that the law should not be abruptly repealed but amended, and he should therefore support its continuance.

Hon. Mr. HUNTINGTON voted last year against the repeal of the Law, because he believed there was no sufficient opinion on the question, but he now believed the universal opinion of the rural districts was in favor of repeal, and he thought the matter affected them as much as it did the merchants. He believed there was a necessity for a bankruptcy law, but that it should not be permanent. He gave instances in which great wrong had resulted to the rural population. For these and other reasons he should vote for the repeal of the law.

Mr. HAGAR said he should support the repeal.

A division was then taken on Mr. Belle-rose's motion to adjourn the debate, and resulted as follows : Yeas, 55 ; Nays, 80.

YEAS.—Messrs. Anglin, Archambault, Belle-rose, Benoit, Blanchet, Bown, Brousseau, Burpee, Cameron [Inverness], Cameron [Peel], Campbell, Carmichael, Cartier [Sir George E.], Chauveau, Climon, Coffin, Costigan, Dobbie, Dugas, Ferris, Gaudet, Gendron, Gibbs, Holton, Hurdon, Irvine, Jones [Halifax], Jones [Leeds & Grenville], Killam, Laocerte, Langevin, Lawson, McDonald [Antigonish], McDonald [Lunenburg], McDonald [Middlesex], Moffat, Morris, Nelson, Pearson, Pickard, Power, Ray, Robitaille, Ross [Champlain], Ross [Victoria, N. S.], Ryan [Montreal West], Smith [Westmoreland], Stephenson, Thompson [Cariboo], Tilley, Tourangeau, Tupper, Wallace [Albert], Wallace [Vancouver Island], and Willson.—55.

NAYS.—Messrs. Barthe, Béchard, Bertrand, Blake, Bodwell, Bourassa, B. J. Bowman, Brown, Brown, Cameron, [Huron] Caron, Cayley, Cheval, Colby, Coupal, Delorme [St. Hyacinthe], Drew, Ferguson, Fournier, Gaucher, Geoffrion, Godin, Grant, Grover, Hagar, Heath, Holmes, Hutchison, Jackson, Joly, Keeler, Keimpt, Kirkpatrick, Langlais, Lapum, Little, Mackenzie, Magill, Masson, [Soulanges], McCallum, McKonkey, McDougall, Ren-

frew], McDougall [Three Rivers], McGreevy, McKeagney, McMonies, Metcalfe, Mills, Morison [Victoria, O.], Morrison [Niagara], Munroe, Oliver, Pâquet, Pelletier, Pinsonneault, Pope, Pouliot, Pozer, Redford, Renaud, Ross [Dundas], Ross [Prince Edward], Ross [Wellington, C. R.], Rymal, Scatcherd, Simard, Snider, Stirton, Street, Thompson [Haldimand], Thompson [Ontario], Tremblay, Walsh, Webb, Wells, White [East Hastings], Whitehead, Wright [Ottawa County], Wright [York, Ontario, W. R.], and Young.—80.

The division on Mr. Hillyard Cameron's amendment to refer the matter to the Committee on Banking and Commerce, resulted in the following vote:—Yeas, 62; nays, 76.

YEAS.—Messrs. Abbott, Anglin, Benoit, Bowell, Bowza, Brousseau, Burpee, Cameron [Inverness], Cameron [Peel], Campbell, Carmichael, Cartier [Sir George E.], Cartwright, Chauveau, Cimon, Coffin, Costigan, DeCosmos, Dobbie, Ferris, Gaudet, Gendron, Gibbs, Harrison, Holton, Hurdon, Irvine, Jones [Halifax], Jones [Leeds & Grenville], Killam, Lacerte, Langevin, Lawson, McDonald [Antigonish], McDonald [Lunenburg], McDonald [Middlesex], Metcalfe, Mills, Moffatt, Morris, Nelson, Pearson, Pickard, Power, Ray, Ross [Champlain], Ross [Victoria, N. S.], Ryan [Montreal West], Smith [Westmoreland], Snider, Stephenson, Street, Thompson [Cariboo], Tilley, Tourangeau, Tupper, Wallace [Albert], Wallace [Vancouver Island], Walsh, Willson, Workman, and Young.—62.

NAYS.—Messrs. Archambeault, Barthe, Béchard, Bellerose, Bertrand, Blake, Blanchet, Bodwell, Bourassa, Bowman, Brown, Cameron [Huron], Caron, Cayley, Cheval, Colby, Coupal, Delorme [St. Hyacinthe], Drew, Dugas, Ferguson, Fournier, Gaucher, Geoffrion, Godin, Grant, Grover, Hagar, Heath, Holmes, Hutchison, Jackson, Joly, Keeler, Kirkpatrick, Langlois, Lapum, Little, Mackenzie, Magill, Masson [Soulanges], McCallum, McConkey, McDougall [Renfrew], McDougall [Three Rivers], McGreevy, McKeagney, McMonies, Morrison [Victoria, O.], Morrison [Niagara], Munroe, Oliver, Pâquet, Pelletier, Pinsonneault, Pope, Pouliot, Pozer, Redford, Renaud, Robitaille, Ross [Dundas], Ross [Prince Edward], Ross [Wellington, C. R.], Rymal, Scatcherd, Simard, Stirton, Thompson [Haldimand], Tremblay, Webb, Wells, White [East Hastings], Whitehead, Wright [Ottawa County], and Wright [York, Ontario, W. R.]—76.

The motion for the second reading of Mr. Colby's bill was then put, the vote being: Yeas, 77; nays, 62.

YEAS.—Messrs. Archambeault, Barthe, Béchard, Bellerose, Bertrand, Blanchet, Bodwell, Bourassa, Bowman, Brousseau, Brown, Cameron [Huron], Caron, Cayley, Cheval, Colby, Coupal, Delorme [St. Hyacinthe], Drew, Dugas, Ferguson, Fournier, Gaucher, Godin, Grant, Grover, Hagar, Heath, Holmes, Hurdon, Hutchison, Jackson, Joly, Keeler, Kirkpatrick, Langlois, Lapum, Little, Mackenzie, Magill, Masson [Soulanges], McCallum, McConkey, McDougall [Renfrew], McDougall [Three Rivers], McGreevy, McKeagney, Mills, Morison [Victoria, O.], Morrison [Niagara], Munroe, Oliver, Pâquet, Pelletier, Pinsonneault, Pope, Pouliot, Pozer, Redford, Renaud, Robitaille, Ross [Dundas], Ross [Prince Edward], Ross [Wellington, C. R.], Rymal, Scatcherd, Simard, Stirton, Thompson [Haldimand], Thompson [Ontario], Tremblay, Webb, Wells, White [East Hastings], Whitehead, Wright [Ottawa County], and Wright [York, Ontario, W. R.]—77.

NAYS.—Messrs. Anglin, Benoit, Blake, Bowell, Brown, Burpee, Cameron [Inverness], Cameron [Peel], Campbell, Carmichael, Cartier [Sir Geo. E.], Cartwright, Chauveau, Cimon, Coffin, Costigan, DeCosmos, Dobbie, Ferris, Gaudet, Geoffrion, Gendron, Gibbs, Harrison, Holton, Irvine, Jones [Halifax], Jones [Leeds & Grenville], Kempt, Killam, Lacerte, Langevin, Lawson, McDonald [Antigonish], McDonald [Lunenburg],

McDonald [Middlesex], McMonies, Metcalfe, Moffatt, Morris, Nelson, Pearson, Pickard, Power, Ray, Ross [Champlain], Ross [Victoria, N. S.], Ryan [Montreal West], Smith [Westmoreland], Snider, Stephenson, Street, Thompson [Cariboo], Tilley, Tourangeau, Tupper, Wallace [Albert], Wallace [Vancouver Island], Walsh, Willson, Workman, and Young.—62.

The Bill was then read a second time, and was ordered to be submitted to a Committee of the whole House on Monday.

The House adjourned at 10.50.

SENATE.

FRIDAY, 26th April, 1872.

The SPEAKER took the chair at 3 o'clock, p.m.

BRITISH COLUMBIA.

Hon. Mr. MITCHELL laid on the table the report of the Hon. Mr. Langevin's visit to British Columbia.

CAPE BRETON.

Hon. Mr. BOURINOT—I now beg leave to make the following enquiry of the Government—Whether the Government have received a Report of the Survey which they ordered to be made for opening a Canal between the waters of the Bras d'Or at East Bay and Sydney Harbour, and in continuation of St. Peter's Canal, thereby facilitating the growing trade of the most extensive Coal mines of the Dominion situate in Cape Breton;—and if such Report has been received, to request the Government to lay it on the Table of the House? Also, whether it is the intention of the Government to prosecute the proposed work at an early date? My chief reason for making this enquiry is this,—that some time ago a public meeting was held at Sydney to take this matter into consideration, and at that meeting my hon. colleague (Mr. Archibald) and myself were asked to act in concert with the hon. gentleman who represents the county in the Commons. On the occasion of that meeting, I took a somewhat prominent part, and therefore I may be allowed to make a few remarks in relation to the subject. It has been replied elsewhere to a somewhat similar enquiry—that the engineer who was to be sent to examine the St. Peter's Canal, would also examine the ground through which it is proposed to construct the work in question. I may state, however, that a Government Engineer, Mr. MacNab, has already taken a survey of the route, and I presume his report is in the hands of the Government.

Mr. Hagar.

With respect to St. Peter's Canal, it is well known that it is too narrow for the large class of vessels who are likely to make use of it. If the work in question is opened up, there is no doubt whatever that the amount of shipping that will avail itself of both canals will be very large in the course of time, inasmuch as they will afford such admirable facilities for reaching the very valuable coal mines of Sydney. Instead of being exposed to the dangerous navigation of the Atlantic coast of the Island at certain seasons, especially dangerous in the vicinity of Scattarie, these vessels will be enabled to avail themselves of the secure passage by the inland waters of the Bras d'Or Lake and Spanish River up to the wharves at Sydney where they can load with celerity. It must be borne in mind that the coal mines of Cape Breton are the most extensive in the Dominion, and are already connected with the noble harbor of Sydney by lines of railway. In the face of the hostile American tariff, the coal export is still two thirds of the whole sent out of Nova Scotia; and under a more favorable commercial arrangement with the United States, the production must, in the course of time, reach to millions of tons annually. We have already great facilities in the shape of railways and wharves for carrying on the trade, and eventually Sydney must become one of the largest and busiest towns of the Dominion. We also expect one day to see the mines connected with Louisbourg, an admirable harbour, open at all seasons, and the nearest Atlantic port of the Dominion to Europe. I am quite sure that the attention of the Government will be drawn to this flourishing section of Canada, and that they will not fail to consider its requirements, and grant those sums of money which are absolutely necessary for the development of its large industrial resources.

Hon. Mr. CAMPBELL—I asked the hon. gentleman who is at the head of the Public Works whether there was any report on the subject, and understood from him that none was in the possession of the Department. Now that my hon. friend has referred to the report of Mr. McNab, I will make further inquiry into the subject. I was also informed by the Minister of Public Works that it is his intention to instruct the engineer detailed, to examine the St. Peter's Canal, also to report on the work proposed between Bras d'Or and Sydney River. Of course, when that report is received, the Government will be in a position to state something definite with respect to the Canal in ques-

tion. I had the pleasure last summer of visiting Sydney in company with my hon. colleague, the Minister of Marine and Fisheries, and seeing the hon. gentlemen opposite (Hon. Messrs. Archibald and Bourinot), and I confess I was both delighted and astonished at the spaciousness and security of the harbour—decidedly not surpassed on this continent. When I consider the existence of its extensive coal mines, and their close proximity to the sea, I can have no doubt as to the future of the fine Island to which my hon. friend has just referred. I trust that he will believe that the Government are anxious in every way possible to promote its prosperity. When I look at the Bras d'Or Lake, I can easily believe that screw steamers, likely hereafter to take the place of sailing vessels, would follow the route proposed to be established.

Hon. Mr. BOURINOT—There are now several screw steamers on their way from Great Britain, to enter into the coal trade of Cape Breton.

Hon. Mr. CAMPBELL—Therefore the navigation of the Bras d'Or is more important than ever. The Government will not fail to give the subject all the consideration to which it is entitled.

MANITOBA JUDICIARY.

Hon. Mr. GIRARD asked the Government—When does the Government intend to complete the judicial organization of the Province of Manitoba, and to appoint Judges for the administration of justice within the limits of that Province?

Hon. Mr. CAMPBELL—I beg to say that the official copy of the Act under which the judiciary of Manitoba has been arranged, has been only recently received in this part of the country, and that we have not yet had time to make the appointment of the judges required under its provisions. The Government, however, expect that the organization of the judiciary in the Province will be completed at an early date.

MANITOBA LAND QUESTION.

Hon. Mr. GIRARD—As this honorable House is aware, I am one of the representatives of that new Province, whose organization is still far from being completed so as to meet the wants and necessities of the people. You must have seen by the public prints that there has been a good deal of discontent in the Province on account of the land question. I have just received a letter from a member of the

Legislature informing me that there exists considerable agitation on the subject; and it is therefore very advisable that the question should be arranged as soon as practicable. The Province is young yet, but has immense capabilities for progress, and it no doubt will fill an important place in the future among the members of the Confederation. It is, therefore, very necessary that every care should be taken to remove all causes of dissatisfaction in the Province, especially with respect to the public lands. The people of Manitoba do not yet thoroughly understand all the laws and regulations with respect to the question, but they are loyal and honest. When an engagement has been solemnly entered into, they believe it ought to be carried out as soon as possible; and therefore they are very anxious on the subject of the division of the land grant made some time ago. It is for the interest of the Government and of the whole Confederation to deal with this question as expeditiously as possible. No portion of the people of the Dominion are more attached to the institutions which they now enjoy; and I hope to be able to return to them with the knowledge that their just claims have been granted by the Government. With these remarks I ask permission to inquire—Whether the Government have adopted measures:

1st. For putting an end to the existing difficulties and confusion in the Province of Manitoba on the subject of the public lands.

2nd. For the division, as soon as possible of the 1,400,000 acres of land appropriated for the half-breed residents of Manitoba among those who have a right thereto, and if not, what measure the Government intend to adopt for the purpose of putting an end to these difficulties?

Hon. Mr. AIKINS—In respect to the first question, I may say that the Government have adopted measures for allaying any discontent that may at present exist in the Province. It is well understood that the half-breed lands could not be selected until the surveys were sufficiently far advanced. During the past year some twenty surveyors were sent into the Province, and the work has been very energetically prosecuted, as the map I shall now lay on the table will clearly show. These surveys are now sufficiently far advanced to enable a selection of the lands to be made. The Lieutenant Governor has been communicated with, and asked to make the selection. The rights of existing settlers are to be respected—

Hon. Mr. Girard,

certain sections are to be retained in certain townships for the Hudson's Bay Company—also a certain section for school purposes. The wood lands are also to be divided so that a portion will be retained for the use of immigrants. With reference to the second question, I may reply that until the rear line of the settlements was fixed, the allotment could not be made. Instructions have been given by the department to complete this rear line as soon as possible, and it is expected that by the fall patents will be issued to at least one half of the half-breeds. I may also add that the services of some fifty surveyors have been obtained—some of them have already gone—to hasten the surveys of the Province.

INLAND FISHERIES.

Hon. Mr. FLINT asked the Government when it is their intention to take steps to protect the Salmon and other fish in the lakes and streams in the rear part of the County of Frontenac, United Counties of Lennox and Addington, County of Hastings and Peterborough, from destruction, caused by parties employed in taking them with spears and nets contrary to the Fishery Act, and if so, whether that action will be immediate?

My reason for making this enquiry, he said, is that our rivers and lakes are well stocked with salmon and salmon trout which are, every spring and fall, taken by spears and nets in large quantities by foreigners who come from the other side of the line. I have been credibly informed that one hundred tons were taken during last fall to the United States from one place. Representations have been made on the subject to the Fishery Department, but the Fishery Agent has not yet received instructions to deal with the matter, and consequently I am constrained to make this enquiry at the present time, when there is urgent need that some steps should be taken to prevent these encroachments by foreigners.

Hon. Mr. MITCHELL—I may state in answer to the hon. gentleman that the Government are very anxious to protect the inland fisheries, and have done their best to accomplish the object they have in view. No doubt these encroachments are very extensive, but it is very difficult for the Department, with the small sum of money and staff at their disposal, to protect effectually all the waters of so extensive an area as that watered by the St. Lawrence and great lakes. One of the great difficulties that the Department have to contend against is the want of co-operation on

the part of the settlers and farmers who live in the vicinity of the lakes and streams; and until they do their duty it is almost impossible for the small staff of public officers to give anything like effective protection to all the waters of the Dominion.

Hon. Mr. FLINT—The gentleman to whom I referred is Mr. Wilkins, of Belleville, who was sent to examine into this matter, and he is still awaiting instructions ever since he made his report. So far as I am concerned I am desirous of doing all in my power to assist the Government in protecting our inland fisheries.

Hon. Mr. MITCHELL explained that he understood that the difficulty in the case of the gentleman alluded to was that the Government found it necessary to limit the staff to a certain sum of money for travelling expenses. That gentleman had more than once exceeded the limit, and he was not now in a position to move in the matter unless he travelled without pay.

Hon. Mr. SKEAD—This subject is very important, and I am glad attention has been called to it by the hon. gentleman opposite. Whilst I am willing to accord due credit for what has been done by the Department, I must say that they are derelict if they do not ask for a large sum to protect the fisheries in question. I have known large quantities of fish taken by spear and nets in the fall, and through the winter, in the direction of the Ottawa River—not by the foreigners spoken of, but by people from the Canadian side of Lake Ontario. I believe the Government ought to have a Fishery Inspector in every county.

POSTAL FACILITIES.

Hon. Mr. SANBORN asked the Government whether any arrangement has been proposed, or is intended to be proposed by the Government of the Dominion to the Government of the United States whereby articles of a bulky nature, such as are carried by parcel post or book post, may be transmitted from one country to the other at a uniform and cheap rate by mail? His attention, he said, had been called to the question by the fact of many persons being anxious to get seeds from dealers in the United States. At present, the expense was great, as much as the value of the package itself. He also asked leave to add to his question an enquiry whether the money order system could not be carried out between Canada and the United States.

Hon. Mr. CAMPBELL replied that no arrangement was likely to be made in the

face of the Customs difficulties, which appear insurmountable. As respects the Money Order system, the Government were anxious to see it established, but they found it was not likely to be attained whilst the United States adhered to their present currency.

MESSAGE.

A Message was received from the Commons with the Bill respecting Larceny of Stamps, and malicious injuries to property.

The House adjourned.

HOUSE OF COMMONS.

FRIDAY, 26th April, 1872.

The SPEAKER took the Chair at 3 p. m.

A number of petitions were read and received.

Mr. ANGUS MORRISON presented a petition praying for an Act to incorporate the Inter-oceanic Railway of Canada. It was signed by the honorables Messrs. McMaster, McPherson, and 94 others.

Dr. BOWN presented the 3rd Report of Committee on Standing Orders.

Hon. Mr. ABBOTT moved for leave to introduce a Bill to amend the Act incorporating the Canada Central Railroad Company.

Hon. Sir JOHN A. MACDONALD submitted correspondence between Dominion Government and Governor Archibald of Manitoba in relation to the Fenian raid.

Mr. SHANLY introduced a Bill to amend the St. Lawrence and Ottawa Railway Act.

Mr. MORRISON introduced a Bill to incorporate the Pacific Junction Railway Company.

Hon. Mr. MORRIS introduced a Bill to amend an Act intitled Widows and Orphans Fund.

Hon. Mr. IRVINE introduced a Bill to amalgamate the Grand Trunk and Montreal and Champlain Railway Co.

Hon. Mr. LANGEVIN submitted the Report of the Minister of Public Works on British Columbia.

Mr. MORRISON introduced a Bill to confirm the lease by the Northern Railway of the Northern Extension Company's aidroad.

Mr. HARRISON introduced a Bill to amend the law relative to advertisements concerning stolen goods.

Hon. Sir JOHN A. MACDONALD gave notice of the introduction of a Bill to give

effect to the Treaty of Washington, on Monday next.

Also to readjust the Parliamentary representation of Canada.

CANADIAN PACIFIC RAILWAY.

Hon. Sir GEORGE E. CARTIER, before notices of motion were called, begged leave to introduce a small Bill under a modest and humble title. It was a Bill respecting the Canadian Pacific Railway. [Hear. hear:] He had given notice that he would proceed with certain resolutions on this subject yesterday; but as the House did not reach that item, he would now ask leave to bring in the Bill which would contain those resolutions, and which could only be initiated, as regarded some of its clauses, in Committee of the Whole. Those parts of the Bill related to grants of land and money subsidies for the building of the road. Besides these there were other provisions of much importance.

Hon. Mr. HOLTON thought there would be no objection on his side of the House to the hon. gentleman moving the House into Committee at once on his resolution.

Hon. Sir GEO. E. CARTIER thanked the hon. gentleman for the suggestion, and said he would prefer explaining the resolutions of which he had given notice yesterday, as well as other parts of the Bill. He would ask the House therefore to allow him to explain the Bill as a whole—those parts which required, as well as others which did not require to be introduced by resolution; in fact he proposed, in order that the subject should be better understood by the House, to have money clauses inserted in the Bill, as a matter of reference, so that hon. members could see at once the whole scope of the measure. He took it for granted that there would be no objection to this mode of proceeding from the other side of the House, for it was better, to a full understanding of the question, that it should be explained in the speech, in which the money clauses, as well as other parts of the Bill would be dealt with. The Government, as everybody knew, was bound by the terms of the Union between British Columbia and the Dominion, to build a Pacific Railway, the work to commence within two years from the date of the Union, which was the 28th July, 1871, and to be completed within ten years from that time. He would observe at the outset that the Government, understanding this obligation and the promise to British Columbia, had set to work at once and commenced the preliminary survey and explorations of the country through

which that great work would pass. He would call the attention of the House to this other binding covenant in the Act, which admitted British Columbia to our Confederation, that the Railway should be begun of the Pacific coast, and pushed forward towards the Rocky Mountains, and from the Rocky Mountains westward, at the same time. These were our agreements with British Columbia, which, on its part, had undertaken to assist the Dominion in accomplishing the work by putting at the disposal of the Dominion Government twenty miles of land on each side of the railway, making a width of forty miles, if the same extent of land was appropriated by the Dominion Government within the territory under its control. The Bill which he had now the honour to introduce contained in its preamble these covenants and bindings. Last year the House came to the determination that the building of this railway should in no way entail such an amount of liability as to require increased rate of taxation. That resolution also formed part of the preamble of the Bill, and it was the intention of the Government not only to carry it out in spirit but to the letter, [Hear, hear.] That resolution contained also this other proposition, that the Pacific Railway should not be built and worked by the Government, but that it should be built and worked by private enterprise, which provision was contained in the measure he now introduced. To a great extent this measure was an enabling Act, empowering the Government to make agreements with companies incorporated, or hereafter to be incorporated, for the purpose of building a railway from Lake Nipissing to the Pacific coast, to construct the railway and work it afterwards. It might be that the company would be incorporated by Parliament during this session, and it might be that the Government would be able to agree with that company on such terms as would secure the building of the road, and to meet that contingency. The measure went a step further, it empowered the Government to enter into an agreement with any company authorized during this Parliament to build the road, or any other company or companies authorized by Parliament during this session to build any portion of the road. There was a provision allowing any two or more of such companies to amalgamate, and if such companies had the proper capital and could comply with the conditions exacted by the Government, they would be the companies with whom the Government sought this power to make an agreement. One of the condi-

Hon. Sir J. A. Macdonald.

tions on which the Government would insist, would be that any company to be incorporated for this purpose should have at least a capital of ten millions of dollars, ten per cent. of which should be paid in. This payment was not to be a sham payment deposited in a bank, but a *bona fide* deposit with the Receiver General, to be made before the Government entered into any agreement with the company. Another contingency presented itself to the Government in considering the scheme. Several companies might be incorporated during the present Session of Parliament, and it might happen that these companies might amalgamate, and demand any terms. Consequently the Government had considered by what means such a state of things could be met, and they proposed that there should be a clause in the Bill authorising the Government, in case they could not agree with one company for the construction of the whole line, or with a company formed of several companies amalgamated, to receive the offer of capitalists to build the Railway and give them a Charter under an order in Council which should contain all the Railway Clauses Act necessary and the clauses of the Act now before the House. The position of the Government would therefore be of a threefold nature. They would be authorised first to arrange with any company having at least ten millions of capital, and of which ten per cent should have been paid into the hands of the Receiver General, or secondly with a company formed of the different companies now seeking incorporation for the purpose, or thirdly with capitalists who might offer to build the road, on such conditions as might be agreed upon between Government and such capitalists, Government having power to grant a charter based on the provisions of the Bill now before the House and of the General Railway Clauses Act. He hoped the House would now clearly understand the way in which it was proposed to deal with any company respecting the building of the road. He would now come to the assistance which the Government intended to give in constructing the line. Every one would see that no company or capitalists, no matter how wealthy, could with their own means build such a road, and the Government therefore required power to assist any such company. The Government proposed to ask power to grant to any company undertaking the work, a quantity of land not exceeding fifty million acres, which should consist of alternate blocks to the depth of 20 miles on each side of

the road, and they proposed further that the other alternate blocks, not thus granted should be reserved to be sold and disposed of hereafter to reimburse the Government on account of the money subsidy of which he was about to speak. It was proposed that the starting point of the line should be Lake Nipissing, because that was the common point which could best be reached by the railway systems of Lower and Upper Canada. The result of the surveys would be very soon before the House, and it would then be seen what progress had been made, and what was the encouragement as to building the line. It had been calculated, although he would not vouch that the figures were absolutely correct, that the distance from Lake Nipissing to the Pacific Coast, was about 2,500 miles, or at the outside 2,700, and he would base his remarks to the House on the supposition, that the distance was 2,700 miles. Taking this for granted it would be obvious that a depth of 20 miles on each side the railway only represented 34,560,000 acres for the company and a similar quantity for sale by the Government as he had before explained. The reason why a depth of 20 miles on each side the line was appropriated, was that the terms of union with British Columbia decided that there should not be a greater depth granted in that Province than 20 miles on each side the road, but with regard to Manitoba and the North West Parliament had the right to make a larger appropriation. The House must not take it for granted that the whole grant of land mentioned would be required, but the Government did not desire to deceive the House, but like England they desired to do everything in a straightforward way, and not to take the House or country by surprise in anything. To make up the deficiency of land therefore they asked power to appropriate lands in other parts of Canada wherever they were at the disposal of the Dominion, both as a grant to the company and also to be set apart to reimburse the amount of the money subsidy. He noticed that the member for Chateauguay was laughing, and he knew that gentleman would object by saying what was the use of making such an appropriation when the whole public domain belonged to the Government. He would meet that argument at once. The resources for the building of the Railway would consist chiefly of land, and if the Bill did not provide that the Government should to some extent be prevented from making free grants, how could they ask a company to take the matter in hand when they would have to compete with

free grants made by Government. The member for Chateauguay might laugh at the scheme; but in a short time they would all be before the country to explain their individual action in the matter. He trusted he was now well understood in regard to the land grant, and he would now come to the money grant (hear, hear.) He must first say, however, that the principal burden would be in land, and that the money subsidy would be comparatively small considering the magnitude of the undertaking. Government now came and asked to have placed at their disposal a sum not exceeding \$30,000,000, or very little more than £6,000,000 sterling. If the House remembered the amount of land granted and the fact that it would be to the interest of the building company to make that land as valuable as possible, and also that Government would have the alternate blocks of land, they would see that there was every likelihood that a great part if not the whole of the money subsidy would eventually be reimbursed. But they went on a more definite basis than that. Supposing that the Government should not make much money or should make none at all by the sale of the lands at their disposal, what would be the burden thrown on the country? Every one had learned with pleasure that the Imperial Government had consented to assist Canada in building this great Railway and in improving the canals by guaranteeing an amount which was equivalent to a saving of two per cent on the whole outlay. But more than this, even if there were no Imperial guarantee, the Exchequer of Canada was sufficient to justify the expenditure without increasing the rate of taxation of last year; and was also sufficient to pay off the sinking fund in 35 or 38 years. The House must not lose sight of this fact, The work had to be done, it was one condition of the union with British Columbia and must be fulfilled, and this being so, who would oppose the scheme? He remembered that the member for Lambton, the able leader of the Opposition, on the discussion of the British Columbia resolutions last year, had stated his opinion that they were going too fast, and that even the acquisition of the Hudson's Bay territory had been brought about too soon. He had then been surprised that any one from Ontario should object to the acquisition of that territory, for that acquisition had been principally urged by Ontario. Lower Canada had never objected to it. It had been stated that he (Sir George) objected to it, but such was not the case, and he had proved it two years

ago when the matter was before the House. And when they came before the country, and he had to explain his action with regard to his constituents, his Province, or the whole Dominion, he would be ready to meet any opposition which might be brought with regard to the North-West and British Columbia. He, perhaps, had somewhat digressed from the matter in hand, but he would now return to it.

Hon. Mr. HOLTON—Why assume opposition to so good a measure?

Hon. Sir GEORGE E. CARTIER—Because it was the habit of the hon. gentleman to oppose everything.

Hon. Mr. MACKENZIE said the Government had much need of opposition.

Hon. Sir GEORGE E. CARTIER said that, whatever the need might be, the opposition was not successful. Resuming the matter in hand, there was also a provision in the Bill that the company who should build the railway should also construct a branch from some point of the main line in Manitoba to the Province line in order to form a connection with the railway system of the United States, and also a branch from some point on the main line to a point on Lake Superior in Upper Canada. For these branches it was not proposed to grant any money subsidy but such a grant of land as might be agreed upon between the Government and the Company. He thought he had now explained the Bill in all its aspects, first as to the manner of building the road and then as to the grants of land and money, but before taking his seat there was another point which he must not overlook. When the question had been discussed last year it had been asserted that it was a delusion to imagine that any private company would think of building such a railway. It was a matter of rejoicing to the Government however that there were several competing bodies endeavoring to obtain incorporation for the purpose, but of course no company could carry out the work with their own resources. The American lines, and the Northern and Southern Pacific had both required assistance. With these remarks he would move, seconded by Sir John A. Macdonald, for leave to bring in a Bill respecting the Canadian Pacific Railway.

Hon. Mr. MACKENZIE said the hon. gentleman had been very facetious in the course of his remarks and it appeared he could not forbear from making an attack on him on the subject of his speech of last year, on the British Columbia resolutions, —and in that attack he had travestied the remarks he had made and had attri-

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buted to him words that he had never used. He had stated that he (Mackenzie) had held that the union with the North West had been too early. He was amazed that the hon. gentleman should attribute such an utterance to him, and with the permission of the House he would read to them what he really had said. He then quoted at length from his speech of last year to the effect that he was and ever had been most heartily desirous of seeing the union of all the Provinces, and had only hesitated at the conditions imposed, making especial reference to the impossibility of constructing the Pacific Railway in the ten years, only advocating the most deliberate consideration, so that there might be no matter for regret in time to come. He then appealed to the House as to whether the Minister of Militia was justified in placing such expressions in his mouth as those he complained of, and said that the views held by the Opposition in the discussion of last year were fair and right, and would ultimately prove so. He maintained that the Pacific Railway could not be built in the time specified, and he did not believe the Government ever expected it would. He would now refer to the speech that had just been made. The Minister of Militia had endeavored to shew that the measure would restrict the Government to certain terms and conditions, that is, they were to make terms with one Company, or an amalgamation of Companies, or failing that they were to charter a new Company. The fact of the matter was that the Bill would enable the Government to do anything they pleased in the construction of the Railway. It was well known that there were at present two "rings" formed to obtain the control of the construction of the roads, and that there was the greatest hostility between them. Attempts were however being made daily to harmonize the interests of the two bodies, so that there might be one great party to share the plunder that might fairly be expected from the construction of the work. The Government were taking power to agree with the two companies, and failing a satisfactory agreement they were to make any arrangement they pleased with any Company they pleased, and on any conditions they pleased. This was the practical effect of the Bill, it would simply empower the Government to make a great job of this great national work, one of so much interest and so much necessity, and one that every one admitted must be carried out. The hon. gentleman professed to have explained the mode in which Government

proposed to find the means of constructing the road. He told them that the distance might be assumed to be 2,700 miles, and 20 miles in alternate blocks amounting to 34,560,000 acres was to be granted for the purpose; but the hon. gentleman forgot that the line traversed a portion of the Province of Ontario for several hundred miles, and that they had no control over the lands of that Province. He had also failed to show where the line was to be taken to complete the fifty million acres. It was estimated by those who had traversed the country, Lord Milton and others, that in the great Valley of the North West there were somewhere between 45 and 65 millions of acres of good land. If the lands were to be settled only by the Railway contractors, it would be a great failure for all modes of settling a country that of giving the land to a company with the anticipation, hope, or belief that they would solve that very difficult problem, the settlement of the country, which was one of the most extraordinary propositions that could be uttered, and he would regret exceedingly to see the whole of the fine lands of that fine territory dedicated even to the construction of the Pacific Railway, and it should be considered whether other means would not be better. Last year the Minister of Finance had stated that the maximum amount of money that would be required was \$25,000,000, that sum had now increased to \$30,000,000, and he prophesied with every certainty that a good few more millions would have to be added before the road was constructed. It was useless to delude themselves with pleasantries. Such an important matter should be met with arguments, not with smiles, and if the land was to be granted to build the road, one great object would be defeated—the pouring in of a vast population into that unsettled but beautiful country. The hon. gentleman had failed to explain the mode in which the lands were to be given to the company, and in what way it would affect the settlers, and the same might be said of the money consideration. No attempt had been made to say what sum would be required to construct the road per mile, or how the money advanced was to be repaid by the sale of lands already granted. When the Bill was before the House and some more definite information given, they would be prepared to discuss the question on its merits, but he desired to direct the attention of the House with all earnestness to the gravity of the proposition, and to the necessity that existed for seeing that the measure of the Government should not interfere

with the settlement of the country. The hon. gentleman had taken credit to himself and the Government for obtaining an Imperial guarantee for a loan of £2,500,000. He (Mr. Mackenzie) would not discuss that matter now, as it would come up in its proper place, but he looked upon the acquirement of that small sum as one of the smallest and most beggarly features of the whole subject.

The Bill was then introduced and read a first time.

CIVIL SERVICE ACT.

Hon. Mr. TILLEY moved the House in Committee on certain resolutions respecting the Civil Service Act. He explained that under the Act, as it now stood, a clerk in the third class, or junior second class, could not be promoted until he had served for a term of five years in his class. It had been found that the Act worked unjustly, as members of the Civil Service who were found to be competent to take higher positions could not be promoted, when vacancies occurred, unless they had served the time required by the Act in the class in which they happened to be; at the same time, under the third section an outsider, having the necessary qualifications, could be brought into the service and placed in such higher position. This was evidently unjust to the service and should be remedied.

Hon. Mr. MACKENZIE. Does the hon. gentleman mean to say that the Government had not the power to transfer, and had not transferred a clerk from one class to another unless in the manner he had stated?

Hon. Mr. TILLEY said that the Government had not the power and that it had not been done.

Hon. Mr. MACKENZIE could only say that unless his information was incorrect, and he did not believe it was, it had been done very recently, in the case of a mail clerk in London.

Hon. Mr. TILLEY explained that he had spoken with reference to the inside and not the outside service.

Hon. Mr. MACKENZIE would also take this opportunity of saying that although it was required by the Rules of the Inland Revenue Department that Excise Officers should be subjected to a very rigid examination before appointment, he believed that such officers had been taken into the service without such examination.

Hon. Mr. MORRIS said that he (Mr. Mackenzie) was in error in believing that officers had been appointed without ex-

amination. As, however, it had been found difficult to find men possessed of the high attainments necessary to pass the Board of Examiners, it had been thought desirable to give young men an opportunity of entering the service for the purpose of qualifying for the examination, and on the understanding that their appointments would not be confirmed unless they passed such examination.

Hon. Mr. HOLTON considered the present Civil Service Act, like its predecessors, a sham, and would shortly become entirely lost. He never had any faith in it, and contended that it had utterly failed in effecting that reform in the Civil Service which was promised when it was introduced. At present it served the purpose of the hon. gentlemen opposite in enabling them to get rid of troublesome applicants for office, when they wished to do so. The modification of the Act which they now desired would enable them to exercise the power of appointing whom they liked and to any position.

Mr. WORKMAN hoped that the amendments proposed to be made would allay the discontent which prevailed in some of the public departments in the country. Great dissatisfaction prevailed in the Customs Department at Montreal, and constant complaints were made to him by the employes that they had been treated with injustice. He hoped the resolutions to be introduced would tend to make them better satisfied.

Hon. Sir JOHN A. MACDONALD did not agree with the member for Chateaugay that there was any sham in the Civil Service Bill, or in the working of it. In England—and our Act was to some extent based upon the English one—it had been carried out very successfully, but he admitted that it was not always possible to adhere strictly to the law in this country. It was quite true that the Civil Service was not worked with that completeness here that it was in England, but there was a very close and satisfactory approximation to it. No one knew better than the member for Chateaugay that one of the greatest difficulties a Minister had to deal with was the arrangement and management of the Civil Service, and his (Sir John's) experience had been that the Government had less trouble in carrying on the whole administration of the affairs of the Dominion than they had in arranging the contested claims of public servants. It was well known that in days of old the Civil Service was little less than an hospital for incurables, and when the first Bill was introduced a great

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many persons said that it could not be worked at all from the pressure that would be brought on the Government of the day by their political supporters and others who had been accustomed to the old system. But by degrees it was approaching perfection and we now found that the majority of persons who came into the public service were young men who had qualified themselves for it and who looked forward to it as a career and a profession, and who felt that, if they were diligent and faithful in the performance of their duties, there was a certainty that before they arrived at middle age they would hold a respectable position in society. It was in fact a career worthy of a young man of respectability and education. It was true the rules were not carried out literally. Sometimes the pressure was so great that the Government might commit a breach of the provisions, but they were exceptional cases. He could say positively that since the present Act had been in operation a very great improvement had taken place in the Civil Service. The strictness of its provisions assisted members of Parliament in resisting undue pressure from their supporters. When persons who from age or incapacity of any kind, had no right to expect an appointment applied to them they could point to the Act and say that they would help them if they could, but that the law prevented it. In time he thought the Act would be carried out as fully and faithfully as it now is in England. The present proposition was merely to cure a defect in the Act. The Government could bring in a stranger for an office requiring special attainments—an Engineer for instance for the Public Works Department—but if a young man already in the Department as a Junior Clerk had qualified himself for the position, he was debarred by the wording of the Act from taking it.

Hon. Mr. TILLEY explained that the complaints to which the member for Montreal Centre had referred had no reference to the Civil Service Act. Those complaints were from the outside officers who, unlike others in the Dominion, were paid so much per day, and they complained that they were not employed a sufficient number of days during the year to sustain them. He would say that after the 1st of May next, this would be remedied, they would have fixed salaries and the difficulty would be removed. As to the salaries of other officers at that place he admitted that some of them were too small.

Hon Mr. MACKENZIE referring to the

remarks of the Premier said, that the English system was entirely different from ours as it was based on the competitive principle, and while he was aware that there was a great difference of opinion on the subject, he was in favour of having it introduced here. The proposition that was now made would enable the Ministry to act honestly and properly by the public servants, as he had no doubt they all did to the best of their ability (hear, hear and laughter), but it sometimes happened that people became Ministers who were not remarkable for their impartiality (hear, hear), and in such case he was afraid that some deserving officer would be overlooked. It was open to that objection, and he thought it desirable to have some check upon it, and the best check would be a competitive examination which would relieve the Government of a good deal of responsibility.

Mr. WORKMAN considered the salaries of the Customs officers at Montreal far too small, scarcely above starving point, and he hoped they would be increased. The Minister of Customs had said that while the revenue had increased at that port the expenses had been considerably reduced; but he (Mr. Workman) did not believe in the cheese-paring policy of cutting down salaries.

Hon. Mr. MACDOUGALL did not understand that the question of remuneration was raised by the resolution before the House; but if the subject were before the Committee, he would, after his experience of the difficulties public servants had to contend with on their small salaries, be inclined to recommend a rateable increase in the salaries not only of the ordinary public servants, but of those of the gentlemen on the Treasury benches (hear, hear). He considered that the resolution before the House was to give Ministers power to override the principle of the Act. It would practically remove the security which the employes now had, as promotions could be made over the heads of officers without taking into consideration length of service or ability, thereby destroying the right of employes to legitimate promotion when vacancies occurred. It would open the way to charges against members of the Government. Charges are already made, that there is a species of nepotism in the Government of this country, and instances could be named. It was unfortunate that such charges should have any foundation, but he believed they were common to most Governments; even the pure Government of Ontario was, or would shortly be open

to accusations of that kind [hear, hear.] He [Mr. McDougall] was not inclined for one to destroy the force of the Act, which would be the result of the resolution before the House. A great improvement had taken place in the public service under the present law, but if the measure now under consideration passed, he thought it would destroy the value of that law.

Hon. Mr. HOLTON expressed his surprise at the regret of the hon. member for North Lanark, as to the inadequacy of remuneration to Ministers, and amusingly reviewed the conduct of that gentleman as an active member of the Clear Grit League, which made reduction of salaries its principal ground, and brought sufficient pressure on the Minister of Finance to cause the reduction of Ministers' salaries from £1,000 to £800, and similarly those of Judges.

Hon. Mr. BLAKE had listened with surprise to the speech of the hon. member for North Lanark. He remembered reading a letter of that gentleman to his constituents not long ago, in which after discussing the subjects to be brought before Parliament, he spoke of a reorganization of the Ministry, but they had heard to day that the reorganization he was in favor of was such as would result in the increasing of Minister's salaries. The hon. gentleman had just told them that the Government recently formed in the Province of Ontario was open to charges or was likely soon to be so, they had therefore one gentleman who had pledged himself that if he had no charges at present he would endeavor ere long to make charges. He had heard with great pleasure the statement of the hon. gentleman, that during his experience in office not one of his relatives or connections had been appointed to the service, as he (Mr. Blake) had noticed several of the same name in public returns, but the Clan Macdougall was very large, which no doubt accounted for the name appearing so often. All knew what the work of the servants of the House was, and what salaries they received, and he thought they deserved some consideration. They were told that the Government had never violated that part of the law now under discussion, but as they found it difficult to keep themselves within it they asked for authority to change it. The leader of the Government told them that in several particulars the Civil Service Act had been violated, it therefore appeared that they desired to amend that part of the law which they had not violated, but where they had already

found it convenient to break the law they asked no permission.

Hon. Sir JOHN A. MACDONALD said the difficulties he spoke about were not in the promotion of officers in the service but in the operation of appointing. As the law at present stood, a young man who had already taken a position in the service, no matter what his qualifications might be, could not be promoted to any office which might become vacant, although a person could be brought from outside and placed above him. It was an injustice to the service as well as to the Government. He regretted the remarks of the hon. member for North Lanark, who spoke as if the Government of the day required a check to prevent impropriety on their part. If a majority of the people considered the Government of the day worthy to conduct the business of a great country like this, surely they ought to be entrusted with the power asked for in the resolution before the House.

Mr. R. A. HARRISON hoped the Government would avail themselves of the power in their hands to pension officers of the Civil Service who were inefficient from old age and other causes, and that after such had been thoroughly weeded out of the service, the salaries of those remaining would be revised. Unless the salaries given were such as would command the services of the particular talent required, good men would be drawn to other quarters, and the civil service would be filled with inferior material

AFTER RECESS.

Hon. Mr. POPE presented the Census Returns.

The debate on the resolution to authorize the promotion of third class or junior second class Clerks, to any other class or rank in the Civil Service was then resumed.

Mr. R. HARRISON said the law had been found to be a barrier between members and their constituents, and also between Ministers and members, and the Civil Service had improved in consequence. If they desired to have efficient servants they must pay them well, to compete with merchants, otherwise they certainly would not be able to retain their services. The cost of living and all necessities of life had greatly increased during the past few years, but the salaries of officers of the Civil Service had not been comparatively increased, in addition to which they had been made to contribute to the superannuation fund, leaving them, in many

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cases, scarcely sufficient to subsist upon. He thought the Government of to-day could afford to be more liberal than in the olden times referred to in the afternoon debate. If the Government had not proposed any check he thought the motion might be objectionable as an old and efficient member of the Service might be passed over by a junior and less efficient man. The resolution proposed that a return should be laid before the House, within ten days after the meeting of each Session, showing each case of promotion under the amendment under discussion, and he considered that that would be sufficient check against improper promotions.

Mr. MILLS thought the check would have a good effect to a certain extent, but if the motion before the House should pass it would be giving the Government the same power as if no law regulating promotions was in force, and the importunities of political friends would cause many improper appointments and promotions.

Hon. Sir FRANCIS HINCKS said that his own experience as a Minister had been that there is ten times the pressure brought to bear in favour of persons outside the service to one in the Civil Service. Taking his own department as an illustration, there were a great variety of branches, some had to be accountants, thoroughly acquainted with accounts and book keeping. If a vacancy takes place, he is obliged to go outside the service to fill it, although there might be a person in the department in every way competent for the office, but who, under the present law, could not be appointed to it. It was to the advantage of every Minister to appoint efficient men to his department, and he was sure it was the desire of every member of the Government to fill the different offices with the best men they could get. It was altogether a false argument to say that the Government desired the power asked in the resolution to enable them to yield to political influence from outside.

Mr. CARTWRIGHT suggested that the principle of competitive examinations for all parties entering the service should be adopted. He thought the Government should have power to make a limited number of promotions on special recommendation. There was no doubt that where the principle of seniority had been in operation for years the result has been a kind of dead and alive routine. The Return proposed to be furnished would be a considerable check, but he would prefer that the number of promotions in a given period should be restricted.

Mr. SCATCHERD did not think this was the proper time to increase the salaries of the Civil Service, and did not think the country would support anything of the kind. He never knew any young man receiving \$1000 or \$1500 except those in the Civil Service and he was entirely opposed to the proposition.

Mr. JONES (Leeds and Grenville) asked whether the pressure brought on Ministers to give appointments in the Civil Service was to obtain energetic and industrious young men, he believed it was quite the contrary. Was this an argument in favor of increasing salaries? Certainly not. He thought it was a great mistake to have an Act to regulate the Civil Service, and that the Ministry of the day should be entirely responsible in the matter,—and had opposed the Civil Service Act when it had been introduced. The Ministers ought to have full liberty in the matter.

Hon. Mr. JILLEY said one hon. member had asked to know the names of the parties who were pressing the Government on the matter. There was no pressure, but the point was this that unless the Government were enabled to give to deserving men a better position than at present they would leave the service. He mentioned a case in his own Department in which a young man was discharging the duties of Assistant Accountant, but who under the present law could only receive \$400 a year. This young man would have left the Service before now had he not asked him to remain until the present measure could pass. In order to prevent any abuse the Bill provided that all instances of the proposed promotion should be submitted to Parliament and with such a restriction no harm could result.

Mr. FERGUSON was glad the Minister of Customs had spoken for he thought he had convinced the House that the Civil Service was not so desirable after all for many now there were thinking of leaving, and it would do away with the idea that those in the Civil Service were not fit for anything else. He believed the Civil Service was filled with able and competent young men, but if they could get better positions outside, he hoped the Government would not press for power to keep them, for there were equally competent men outside. He had never asked for an appointment for any friend, though he had had many applications, but had always advised them to do otherwise. He believed that the present Government was the best that could be had, and would be very sorry to see any change. The member for Bothwell had suggested to the Government that the measure was unne-

cessary, and that they might attain their object by a small trick, merely to let any one who must be promoted resign his position, and in a few days he could be re-appointed to a higher post. He did not think the Government asked anything that was wrong or unreasonable.

Mr. HARRISON explained that what he had intended was not to have two men to do one man's work, but to have one good man and pay him well.

Mr. RYAN agreed with the member for West Toronto. He thought there were too many men in the Civil Service, and hoped as vacancies occurred they would not be filled up. He referred to the superannuation measure, of which he approved and hoped it would be followed by a measure of insurance for the benefit of those who died without deriving any good from the superannuation. He believed the Minister of Finance was connected with some Insurance Company, and if so he might perhaps insure the lives of the employees, as he believed the gentleman occupying the position of Treasurer of Ontario had set the example by insuring the inanimate property of the Local Government in a Company of which he was the President.

Dr. GRANT—If the officers of the Civil Service were to do their work properly they should be paid properly. Gentlemen in commercial positions were much better paid, and he believed something ought to be done for the benefit of the gentlemen of the Civil Service, for under present circumstances from what he knew, with the large reduction for superannuation, he feared many would be starved out, and hoped therefore that some radical change would be brought about so as to improve their position. The resolution then passed through Committee, and a Bill was introduced, and read a first time.

CANALS.

Hon. Mr. LANGEVIN moved that on Tuesday the House should go into Committee to consider the resolutions of which he had given notice, in relation to the improvement and enlargement of the Dominion Canals. Carried.

CANADA PACIFIC RAILWAY.

Hon. Sir GEO. E. CARTIER moved for a Committee on Tuesday next to consider certain resolutions respecting the Canada Pacific Railway. Carried.

Hon. Sir FRANCIS HINCKS moved that the House should go into Committee of the Whole on Tuesday next to consider the resolution declaring it expedient to

indemnify the members of the Privy Council and all others concerned in the issue of a special warrant by His Excellency the Governor General for the advance of the sum of \$100,000, to meet the expenditure on account of the expeditionary force ordered to the Province of Manitoba. Carried.

Hon. Sir FRANCIS HINCKS moved that the House go into Committee of the Whole on Tuesday next to consider a resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the law respecting the inspection of certain staple articles of Canadian produce.

Hon. Mr. MACKENZIE said the articles ought to be specified.

Hon. Sir FRANCIS HINCKS was not desirous to press the matter for Tuesday. There was no intention to take the House by surprise; the intention was to go into Committee on the matter, to introduce a Bill, and then refer it to the Committee on Banking and Commerce. There would be full opportunity for discussion.—Carried.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved that on Monday the House should go into Committee to consider the supply to be granted to Her Majesty.—Carried.

SECURITY OF PUBLIC OFFICERS.

Hon. Sir J. A. MACDONALD moved the second reading of the Bill, "An Act respecting the security to be given by Officers of Canada."—Carried.

And the Bill passed through Committee.

SAVINGS BANK ACT.

Hon. Sir FRANCIS HINCKS moved the second reading of the Bill, "An Act to amend the Government Savings Bank Act, chapter 6 of the Statutes of 1871," He remarked that he had received a document from the Town Council of Cobourg as to that part of the measure relating to the Northumberland and Durham Savings Bank, stating that in those counties there was no incorporated charitable institution to which the surplus of the bank could be appropriated, and heartily approving of the measure that had been introduced.

Hon. Mr. ANGLIN desired to direct attention to what he deemed a discrepancy. In the case of the St. John Bank the appropriation of the money was not to be subject to the approval of the Governor in Council, but only the apportionment of it, whereas in the other case the appropriation itself was to be subject to the Governor in Council. He desired to ask

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whether the distinction was intentional or not.

Hon. Sir FRANCIS HINCKS said if there was any discrepancy it had merely arisen because in both cases the Government had acted exactly as recommended by the Trustees. The Government had no desire to deal with the disposition of the money. The matter, however, could be discussed in Committee.

Mr. BOWELL asked whether the Government were aware of the manner in which the money was to be appropriated in the case of the Northumberland and Durham Bank. He had heard that it was to be devoted to the purposes of a local railway. The House should weigh the matter well before it diverted money dedicated to charitable purposes, to local enterprise.

Hon. Mr. HOLTON said that in the case of the Northumberland and Durham Bank the money was consecrated by law to a specific purpose and he did not think the Legislature ought to divert trust money widely from the object to which it had been consecrated. He hoped the Minister of Finance would be prepared in Committee with an amendment to limit the object to which the money should be devoted.

Hon. Sir FRANCIS HINCKS said it would be well to reserve the discussion on the details of the Bill until they got into Committee. There would then be every opportunity for discussion.

Mr. BOWELL said the matter was one of principle, not of detail. The principle was whether money belonging to charitable purposes should be appropriated to other and very different purposes, and he desired it to be distinctly understood that he did not assent to the principle.

Hon. Mr. ANGLIN said he really doubted very much the propriety of leaving the surplus at the disposal of the Trustees,—as they in no way represented the depositors.

Mr. MILLS asked whether the Minister of Justice had considered whether Parliament had really power to deal with this matter. He considered it was a question altogether for the Local Governments.

Hon. Sir JOHN A. MACDONALD said now that his attention had been called to the point he would look into it. If, however, there was to be an amendment of the Savings Bank Act it could only be done by the Dominion Parliament.

The Bill was then read a second time.

DOMINION NOTES.

Hon. Sir FRANCIS HINCKS moved the second reading of the Bill, entitled "An

Act to amend the Act regulating the issue of Dominion Notes."

Hon. Mr. HOLTON said that on the previous occasion of discussing this matter the Minister of Finance has stated that the member for Lennox had lost sight of the deposits, but so far from this omission weakening the arguments of member for Lennox, it would have strengthened them. He then referred to the Banking returns of 1866, comparing them with those of 1872, and maintained that the remarks of the Minister of Finance were a very insufficient answer to the member for Lennox. He now desired to say a few words in reference to the merits of the measure, and its effects. He had been opposed to the whole system from its inception. He had held that it would result in the same difficulties and ruin that had attended similar experiments in other countries. Hitherto by the conservative character of the original act, they had been protected from the danger, but he felt the amendment now proposed removed much of the check which surrounded the original measure. Under the present law all circulation over \$9,000,000, had to be represented dollar for dollar in gold, and he found by a careful calculation of the effect of the change now proposed that without adding anything to the gold reserve, the Dominion note circulation would be increased by no less a sum than \$7,348,000, and by adding \$2,000,000, to the gold reserve, the circulation could be increased \$10,000,000 and so on *ad infinitum*. He thought this proposition dangerous, and that it gave too much power to a Minister of Finance, and especially so in view of the large expenditure on which they were entering. He did not propose to divide the House, but he thought it his duty to point out what he believed to be the operation of the Bill, and the objections which occurred to him against its being received.

Mr. YOUNG said when the Bill for the issue of Dominion notes was before the House, there was a strong feeling throughout the House and the country against it, and that in the earlier stages of that measure there seemed to be little probability of its passing, and he believed the main reason which induced the House to pass the measure was the statement of the Minister of Finance, that for any amount issued over \$9,000,000 he would have to hold dollar for dollar in gold. The Act had gone into operation, and the Minister of Finance now asked that the check might be taken away, without the promise of which the original measure might not have passed. It would be easily seen that

in a few years the circulation might be double the amount of the present issue, and might very soon rise to \$20,000,000. The present was not a period when any thing should be done likely to cause an inflation of business in the country. He trusted the difficulties that had been foreshadowed might not arise, but if, on the contrary, they should, the responsibility must rest with the Minister of Finance.

Mr. CARTWRIGHT desired to refer to certain errors into which the Minister of Finance had fallen in referring to his (Cartwright's) previous remarks on the subject. As to the statement that the matter was a small one that was disposed of by the fact that without adding a dollar to the gold reserve the Minister of Finance could gain seven or eight millions additional circulation. The Minister of Finance had been pleased to say that he had stated that deposits were a far greater source of danger to banks than their circulation. It was perfectly true that deposits in times of difficulty were so, but it was by no means the case that deposits were a greater source of danger in ordinary times, the exact contrary was nearer the truth. Deposits were tolerably stationary. Speaking of England there was there a large reserve of gold in constant circulation, while such was not the case in Canada. Moreover, in England the enormous investments which the merchants had in all parts of the world, tended to bring gold there, but there was nothing of that kind in Canada. All the gold in Canada might be said to rest with the Government and the Banks. He did not think there was any present danger, on the contrary so long as the country continued prosperous, all would be well, but it was a well known rule that depressions followed periods of prosperity, and it would be unwise to expose the Government and the national credit to the risk of being driven by necessity to suspend specie payment.

Hon. Sir FRANCIS HINCKS said when he replied the other evening to the remark of the hon. member for Lennox, he had represented the course which that hon. gentleman had taken in the matter by the fable of the boy crying "wolf, wolf," and the hon member for Chateauguay had then made a remark which he did not catch, but which he observed from the newspapers, was to the effect that he (Sir Francis) admitted the possibility of the wolf's appearance — the disaster being the suspension of specie payments. He could only say he was satisfied there was no danger to be appre-

hended so long as the Government remained in office; but, of course, it was not impossible there might be a time when measures would be proposed which might result in the suspension of specie payments. Such had been the case in the United States and might be the case in Canada. With reference to the speech of the hon. member for Chateauguay it was directed, not against the Government, but against the banking institutions of the country. A more complete fallacy was never uttered than that uttered by the hon. members of Chateauguay and Lennox. The former had put forward a number of figures which were a total misrepresentation of our Banking institutions. He had placed in the same category the liabilities of the banks payable on demand, and those payable on notice. This was a great blunder, for if the banks got proper notice they had ample time to call in their debts and prepare themselves to meet every possible demand upon them. He [Sir Francis] quoted the figures from the last bank statement in the *Gazette*, in order to establish the fact that the positions of the banks of Ontario and Quebec—he did not speak of the banks in the other Provinces, because the return had not been sent in, but the statement doubtless held good with regard to them—was as sound as could be desired. They had ample means to meet all their liabilities, coming now to the position of the Government in regard to its note issue. The direct effect of the present system was to economize the use of gold, and so far as gold could be economized with perfect safety, it should be done. If the Dominion notes in circulation were not in excess of what was prudent, no case had been made out. He argued from the state of the circulation that there was no possibility of a sudden demand being made upon the Government except by the banks, and there being little likelihood of that there was really no danger whatever. The hon. gentleman had talked about the Government pushing out the circulation, but the Government had no means of issuing their notes except through the banks, and it was perfectly certain the banks would not extend the circulation of Govt. Notes beyond the business requirements of the country. It was most astonishing to him to find the position taken by the hon. gentlemen opposite. The proposition was reasonable in itself, and in every way desirable. The only difference which it made in the law as it stood was to allow the Government, as a matter of convenience, to hold its reserves for notes above nine millions principally in bank

Mr. Young.

notes instead of gold—a change which in no way lessened the security, because the position of the banks was as sound as possible. He believed that the objections which had been raised were merely with a view to obstruct the Government in carrying out the object of the Dominion Note Act.

Hon. Mr. HOLTON replied, denying having misrepresented the position of the banks. He believed them to be in a thoroughly good position. He maintained the change involved the complete destruction of the much vaunted conservative element in the original measure.

Hon. Sir FRANCIS HINCKS insisted that the hon. member for Chateaugay had compared the former and present position of the banks in the most damaging way.

Hon. Mr. ANGLIN contended that the measure provided for an unlimited issue of paper money, and that there was really cause for alarm.

Hon. Mr. MACKENZIE threw upon the Finance Minister the responsibility for any statements that had been made injurious to the banks, for these statements would not have been offered if that hon. gentleman had not brought down this measure. He (Mr. Mackenzie) in view of the operations of the Finance Minister in the past, when a period of great depression followed as the natural result of expansion, felt that the proposition now made was such as to give rise to well-grounded alarm.

Mr. GIBBS said that when the question had been first debated in 1866, he had opposed the issue of notes by the Government, believing that the time would come when they might issue any amount they pleased without the necessary security. That measure having been carried, however, he was prepared to make any provision necessary for its most convenient and satisfactory working. Whatever liability this measure placed upon the banks would, he thought, be perfectly safe, and if the House did not think so, it ought not to allow the Bill to pass.

The Bill was then read a second time.

The House then adjourned at 10.35.

SENATE.

MONDAY, 29th April, 1872.

The SPEAKER took the chair at eight o'clock.

PETITIONS.

Hon. Mr. HAZEN, from the Committee on Standing Orders and Private Bills, reported favorably on the following petitions:

Of the Honorable L. H. Holton, and others; praying to be incorporated for the purpose of constructing a Railway through the southern frontier of the Province of Quebec, between the River St. Lawrence and the River Richelieu.

Of Geo. H. Wilkes, and others; praying to be incorporated as a Company for the purpose of constructing Water Works on the improved plan of the patent obtained by Charles H. Waterous, of the Town of Brantford.

Of the Managers of the Ministers' Widows and Orphans Fund, of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, praying for certain amendments to their Act of Incorporation.

Of C. Grindon, and others, of St. John, in reference to certain debentures.

NOTICES OF MOTION.

Hon. Mr. KAULBACK gave notice of motion with respect to the lighthouse off St. Margaret's Bay.

Hon. Mr. MACFARLANE gave notice with respect to the report of geological survey.

BILLS.

On motion of Hon. Mr. CAMPBELL, the Bill from the House of Commons with reference to larceny of stamps was read a second time.

Also a bill to correct a clerical error in the law respecting malicious injuries to property.

PRINTING REPORT.

On motion of Hon. Mr. SANBORN, the report of the Joint Committee on Printing was deferred until Thursday, Mr. Dawson having written to the Committee since the Report was first submitted.

MESSAGE.

A message was received from His Excellency the Governor General with certain papers in reference to the Washington Treaty.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, April 29th, 1872.

The SPEAKER took the Chair at 3 and reporters were admitted at 4 p.m.

ROUTINE PROCEEDINGS.

A number of petitions were received, among which were:

The Hon. JOHN YOUNG, of the European and American Telegraph Company, praying for an extension of their charter.

D. L. Macpherson and others, praying for an Act of Incorporation for the Inter-oceanic Railway.

The petition of the Toronto Board of Trade, praying for the abolition of stamps upon promissory notes.

The petition of the Board of Trade of Toronto, praying for the repeal of the Insolvency Act.

And the petition of the Quebec Board of Trade, praying that the Insolvency Act should not be repealed.

A message was received from His Excellency, submitting the correspondence between the Imperial Government and the Governments of Newfoundland and Nova Scotia, relative to the Washington Treaty, and especially the fisheries clauses in the Treaty.

Hon. Mr. MACKENZIE inquired concerning Lord Fenterden's account of the Fenian business.

Hon. Mr. GRAY moved for leave to introduce a Bill to incorporate the Thunder Bay Silver Mining Bank.

Mr. HARRISON moved to introduce a Bill to amend the Insolvent Act of 1869.

Mr. MERRITT moved for a Bill to incorporate the St. Catherines Board of Trade.—Referred to the Committee on Private Bills.

Hon. Mr. HOWE submitted a report of the proceedings of the Indian Commissioners of Northumberland.

Mr. TREMBLAY moved for the introduction of the ballot system in elections.

Mr. A. MORRISON moved for the introduction of a Bill for the incorporation of the Fort Garry and Lake Superior Railway Company.

Mr. WALLACE (Vancouver's Island).—Whether it is the intention of the Government to extend the Dominion system of Weights and Measures to British Columbia, the Imperial system, at present in force in that Province, being found very inconvenient to trade, owing to the adoption of the Canadian tariff?

Hon. Mr. MORRIS: It is not the intention of the Government to do so at present.

Mr. Speaker.

Mr. DELORME, (Provencher).—Whether measures have been adopted to give to the half-breeds the grants of land provided by the Manitoba Act; when and how distribution of such lands will be made; whether the reserves designated in an official document dated at Ottawa, 23rd May, 1870, will be respected?

Hon. Sir JOHN A. MACDONALD.—All the papers relative to the subject will be brought down in the course of a few days, and will speak for themselves.

Mr. BOURASSA.—Whether it is the intention of the Government to include in the estimates a sum to provide for the building of light houses, and the placing of buoys, pronounced indispensable to the navigation of the river Richelieu, between the town of St. John and the frontier, as a consequence of the visit and examination made in this locality last summer and autumn, by the Trinity House Board, and the Deputy Minister of Marine and Fisheries?

Hon. Dr. TUPPER.—Provision has been made in the estimates for this service.

Mr. BEATY.—Whether Detective O'Neil of the City of Ottawa is in the employ and pay of the Government?

Hon. Sir JOHN A. MACDONALD.—Certainly not in the employ of the Dominion Government.

Hon. Mr. McKEAGNEY.—Whether it is true, as reported in the daily papers, that Mr. Madden has been appointed Emigration Agent from the Dominion of Canada to the North of Ireland?

Hon. Mr. POPE.—As Captain Madden after a sojourn of some months in this country was returning to Ireland, he [Mr. Pope] had availed himself of his services as Immigration Agent.

INTERCOLONIAL RAILWAY.

Mr. JONES (Leeds and Grenville).—Before putting his motion would ask when the report of the Commissioners would be brought before the House. He had seen a report in the newspapers purporting to come from the Commissioners, but it did not contain the information he desired.

Hon. Mr. LANGEVIN said that the report was laid on the table the other day, and he supposed it had gone to the Printing Committee. If on examination the honourable gentleman found it did not contain the particulars he required, he could then make his motion, or if he wished he could make it now.

Mr. JONES thereupon moved for a statement of costs and charges connected with the survey and management of the Intercolonial Railway, and said that some

members of the House had questioned him as to what he meant by the "Commissariat Department." He referred to the last report of the Commissioners, which gave a statement of salaries, &c, paid on account of Commissariat Service at Ottawa, and thought the Commissioners should explain.

Mr. WALSH explained that in the early progress of the work it had been necessary to provide provisions for the staff on the line, and the salaries of the staff were fixed accordingly. Paymasters had been appointed who purchased the supplies and paid the salaries, but they were not stationed at Ottawa as the honorable gentleman supposed, they were upon the work paying the men and purchasing the supplies. Since the beginning of last year, however, that portion of the service had been discontinued. As the work had progressed the staff had been able to get provisions for themselves and their salaries had been rearranged. There was now no commissariat. He would take the opportunity of saying that the return about the Miramichi Bridge would, he thought, be ready to be brought down to-morrow.

Mr. ROSS (Centre Wellington) moved for a return of the number of ploughs entered at the Port of Guelph. He desired the information as he had been informed that some ploughs had been entered free of duty.

Hon. Mr. TILLEY said the information would be furnished.

SCHOOL ACT—NEW BRUNSWICK.

Mr. RENAUD in moving for an address for the correspondence relative to the School Act passed by the Legislature of New Brunswick complained of the tyranny and injustice of the New Brunswick School Law towards Roman Catholics in that Province.

Hon. Mr. ANGLIN complained very strongly of the unjust working of the present law in New Brunswick as compared with the Act repealed. He said that when the Act now in operation was before the New Brunswick Assembly, the Roman Catholics petitioned that it should at all events give them rights similar to those enjoyed by the Protestant minority in Quebec,—but they petitioned in vain,—and the only result was that the Act was made to press more heavily upon them than it was first intended to do. The Catholics there still believed that they had a remedy in applying to the Dominion Government. He

believed that the present Act was unconstitutional, as it took away rights which were enjoyed by the Catholics under the previous School Law,—which had no provision that the schools should be non-sectarian, but on the contrary, provided that the children should be taught the principles of christianity, morality and justice. He then entered into an explanation of the working of the old Act under which Counties were divided into parishes which elected three Trustees who, under the Education Board, appointed Teachers, who were paid by the Province,—so that in Catholic Districts, Catholic teachers were always appointed, and the children taught the Catholic religion, not only orally, but by Catholic text books, and maintained that under the present system all this was impossible. He said that the old law not being applicable to large towns, special grants had hitherto been made for education there, which were renewed every year though the Legislature had power to suspend them. He maintained that under Confederation which professed to protect the rights of all classes, the present law ought not to be allowed to remain in force, and that the law when referred to the Dominion Government ought not to have been treated as a legal question only, but as one of policy and justice. He complained that the Catholics had petitioned the Dominion Government most respectfully, feeling deeply the wrong they had sustained, and it was not for months that they received any answer, when they were informed that the law was to go into force. He said that the Local Governments were quite competent to decide as to whether their Legislation was constitutional, and it would be useless to submit that question alone to the Dominion Government. When it became known that the Act would not be disallowed, the Local Legislature had made it still more intolerable and hateful to the Catholics by the regulations they framed under it. There could be no doubt of the soundness of the policy of not interfering with the Local Legislature where it could be avoided, but this was a case in which the greatest excitement and dissatisfaction had been occasioned throughout the whole Province, and he could imagine no good or sound reason why the Act was not declared void. The greatest hatred and excitement prevailed at this moment throughout the Province, and he appealed to the Roman Catholics of Quebec and throughout the whole Dominion, not to sit down tamely and see their brethren in New Brunswick outraged,

insulted, and deprived of their just rights and privileges.

Hon. Sir JOHN A. MACDONALD said that on the general question whether the Roman Catholics of New Brunswick should have a Separate School Bill, and whether they should have a law similar in spirit to that protecting the Roman Catholics of Ontario and the Protestants of Quebec, that House could not decide, and, as a House could have no voice or opinion. The individual members of the House might have their individual views, but the matter was one in which the House could take no action. Individually he was very much at one with the hon. gentleman who had just spoken; and during a long Parliamentary life he had shown himself consistently a friend of Separate Schools, and was right glad when the Catholic minority in his own Province secured for themselves a Separate School system. It was known to every one that the question of education had threatened Confederation at its very inception, and a proposition that Education should be left to the General Legislature of the Dominion would have been enough to secure the repudiation of Confederation by the people of Lower Canada, and it was therefore expressly provided in the Act of Union that the question should be entirely left to the different Provinces with the provision that wherever there was a separate system in force that system should not be interfered with, and that any denomination which had secured at the time of the passing of the Act, or which might at any time thereafter, by the Act of the Local Legislatures secure any privilege, that privilege should not be affected by any Act of the Local Legislature, and that if any attempt was made by that Legislature to set aside such privilege it would be void, and the Governor General was empowered to see that this was carried out. In the matter of the Bill now in question the sole matter which presented itself to the Government was whether according to "the British North America Act, 1867," the Legislature of New Brunswick had exceeded its powers. The hon. gentleman had complimented the Dominion Government to a certain extent on the absence from all interference in the action of the Local Legislatures since Confederation. As the officer primarily responsible on such subjects, he could only say that he had taken uniform care to interfere in no way whatever with any Act passed by any of the Provincial Legislatures if they were within the scope of their jurisdiction. There were only two cases in his

opinion in which the Government of the Dominion was justified in advising the disallowance of a Local Act—first, if the Act was unconstitutional, and there had been an excess of jurisdiction—and second, if it was injurious to the interests of the whole Dominion. In the case of measures not coming within either of those categories, the Government would be unwarranted in interfering with local legislation. In the present case there was not a doubt that the New Brunswick Legislature had acted within its jurisdiction, and that the Act was constitutionally legal and could not be impugned on that ground. It was a general Common School Act, not applying to any denomination or alluding to, or affecting any denomination, and was an amendment of a law of the like general nature for the establishment of common or parish schools through the whole of New Brunswick. Among his colleagues he was happy to reckon men whose opinions as lawyers must be respected, and he had also Roman Catholics whose religious sincerity and whose desire to protect their religious privileges was beyond a doubt, and his colleagues had been unanimous that there were no grounds to interfere with the Act. As to the second ground which he had mentioned, on which he considered the Dominion Government could interfere, it could not be held that the Act in any way prejudicially affected the whole Dominion, because it was a law settling a Common School system for the Province of New Brunswick alone. Whether that law was good or bad, whether it was fair or unfair, was a matter for the consideration of the representatives of the people of New Brunswick, and he was further bound to say, that in his individual opinion it was not a wise discretion to agitate against the Act on the ground that it repealed an Act which authorized a Separate School system. The Catholics of New Brunswick might think that the old Act was less objectionable than that now in force, but they also objected to the old one, and maintained that it was not fair towards them. No separate school system was provided by that Act, and the true course for the New Brunswick Catholics was to follow the example of those in Ontario and fight the matter out in the Local Legislature. If the legislation was bad, if it bore on them unjustly, that injustice pressed at the polls would force the Legislature to do justice. They had in his opinion a just cause, for it was for the interest of education that if a large body

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like the Catholics of New Brunswick desired a separate school system they should have it, but it could only be obtained by working for it. An important body like that, holding the balance of power in New Brunswick could force upon the Legislature a Separate School system. They might not do it this Session, but they could afford to wait as the Catholics of Ontario waited, and the moment a law was secured, then they were protected by the provisions of the Confederation Act, and no power of the Local Legislature could ever deprive them of it. It would be a wonderful mistake in the Catholics of New Brunswick, and they would be throwing away their case if they upheld the Act lately repealed as being sufficient for their purposes, but it was a matter for them to decide, and it was not for Canada to dictate what the Legislature of New Brunswick should do. The Government of the Dominion could not act, and they would have been guilty of a violent wrench of the Constitution if because they might hold a different opinion, they should set up their own judgment against the solemn decision of a Province in a matter entirely within the control of that Province. The constitution which had hitherto worked so easily and so well, could not survive the wrench that would be given if the Dominion Government assumed to dictate the policy or question the action of the Legislatures of the different Provinces on subjects reserved by the B. N. A. Act to those Legislatures.

Hon. Sir GEO. E. CARTIER said his co-religionists in New Brunswick would not doubt his sincerity in upholding their interests. The only question which the Dominion Government had to decide was whether the Act interfered with rights previously enjoyed by Catholics in New Brunswick. The previous Acts had never conferred the right of Separate Schools, but there had merely been a legislation from year to year. He regretted very much the action of the Local Government, but as the old Act granted no Separate Schools to the Catholics and no special rights, he believed the passing of the present Act would tend to set the matter right, for if the Catholics worked and persevered, bearing in mind the struggle through which the Ontario Catholics had passed, and if they went to work properly, not fanatically, but justly, they would obtain the same right of Separate Schools that had been granted in Ontario. Let the Catholics of New Brunswick use the argument, how in Quebec the great majority of Catholics had treated the Protestants with such liberality and generosity, and

let them persevere and they would not fail to obtain their just rights.

Mr. BELLEROSE said it was understood when the Act of Confederation was passed that the rights of minorities in the matter of education would be preserved; but by the legislation of the Local Legislature of New Brunswick this wise provision had been lost sight of, and a sort of injustice had been perpetrated towards Roman Catholics, against which he protested. He characterized the proceedings of the Local Legislature as an outrage to his co-religionists, and he would earnestly oppose them. In Quebec there was liberality towards the Protestant community, and he insisted upon a similar liberality towards Roman Catholics in New Brunswick. Under the old law the parishioners had the right to state what amount of education they might have conferred upon their children, but now they were wholly at the mercy of the Protestant School Commissioners. There was, in truth, no law for Catholics in New Brunswick, as far as education was concerned. The law was compulsory to the extent that all the moneys sent into the County Treasurer's hands, the interests and wishes of Roman Catholics being to that extent, at all events, completely lost sight of. Some persons who laughed now while he was speaking of Roman Catholic rights in New Brunswick, spoke themselves somewhat energetically about the people's rights in Manitoba. The Catholic minority in New Brunswick may not have any rights in a legal point of view, but, honestly considered, they had rights which they would not readily cast aside. They had, or rather were entitled to privileges which no Government could properly infringe upon.

It being 6 o'clock, the House then rose.

AFTER RECESS.

The debate on the motion of Mr. Renaud for correspondence relating to the School Act passed by the Legislature of New Brunswick, was resumed.

Mr. BELLEROSE maintained that there was a great difference in the position of the minority in New Brunswick, as compared with that in Ontario. In the latter they had the support of the members from Lower Canada; whilst in the former they were at the mercy of the majority. He approved the liberality of the Confederation Act in securing to the minority in Quebec their rights, but demanded if these had not been also secured to the minority in New Brunswick.

Hon. Sir GEO. E. CARTIER said that while provisions had been made in Ontario

and Quebec for the protection of minorities, no such provision had been made in New Brunswick. During the discussion no suggestion had been made as to the rights of Roman Catholics. The R. C. Bishop of New Brunswick had written letters in favor of Confederation, but in no case was there a provision made for protection to the Roman Catholics of New Brunswick. He contended that there should be exactly the same privileges granted to Roman Catholics in New Brunswick as there were in the Province of Quebec.

Hon. Mr. GRAY wished to correct a statement made by the member for Laval, that the Roman Catholics of New Brunswick had been deceived by that which took place at the conference at Quebec being changed by the proceedings at Westminster. The practice of the Legislature of New Brunswick had been to give, by an annual vote, a certain subsidy to each denominational school, but there was no law by which that grant was sustained, and it was not incumbent on the Legislature to give it. The policy adopted at Quebec was confined to the two Provinces where such a law did exist, but at Westminster it was proposed to extend the same provision to New Brunswick and Nova Scotia, as Ontario and Quebec. As a representative of the Province of New Brunswick he declined to enter into the propriety of that Province legislating on the subject under discussion, which he considered was a matter exclusively for Local Legislation. The Roman Catholics of that Province were a large and influential body, and it was quite in the power of the Province to legislate as the interests of her people might demand.

Mr. BELLEROSE said that the words "have by law" had been added at Westminster, and it was to those words that he took objection.

Mr. COSTIGAN said that the member for Gloucester (Mr. Anglin) had in his opinion honestly, fairly, and independently represented the views of the Roman Catholics of New Brunswick, and he thought he might also say of a very large portion of the Protestants. It was unfortunate when questions came before Parliament which provoked religious discussions, but this question did not necessarily do so. It was not a question of the Catholics trying to overcome the Protestant influence, it was simply a right that they felt entitled to that they tried to protect. It was a right that they had long enjoyed and felt grieved that it was taken from them. If their wishes had been carried out it would not have affected the

Protestants in any way. As to the constitutionality of the measure, there was but one feeling throughout the Province, and that was that the act of the Local Legislature was in direct violation of the Constitution. It had been said that there was no law in New Brunswick by which separate schools were in existence. He contended that such laws had existed, under which Catholic schools were established and maintained by annual vote of the Legislature, similar grants being voted for schools of all other denominations. Under these laws Catholics were in a position to establish schools and employ Catholic teachers, and could call upon the Government to pay their teachers out of the public funds, and that right would now exist but for the measure complained of. He could not understand how the argument could be used that the Catholics enjoyed no privileges by law in that Province. It was true there was no law such as in Ontario and Quebec, specially providing for sectarian schools, but he contended that under the law they had Catholic and French schools which were kept up at the expense of the country. The objection taken by the honourable member for Laval he understood to be that while in the Quebec resolutions the rights of Catholics in the different Provinces were guaranteed, (and it was not then believed that these rights should exist by virtue of any law) the resolutions as altered at Westminster provided that where separate schools *existed by law* at the union their rights should not be affected. As it was now contended that there was no law recognizing Catholic schools in New Brunswick it would almost seem that those words had been put in for the purpose of working against the Catholics of New Brunswick. It had been said by the Minister of Justice that the Catholics of New Brunswick must, from the position they occupy in that Province, be able to exercise sufficient influence on the legislation of the country to secure a Separate School law, and he had cited the success of the Catholics in Ontario. But it must be remembered that the minority in Upper Canada had the influence of 60 or 65 Catholics from Lower Canada to assist them. The Catholics of New Brunswick were not in such a position.

Hon. Sir GEORGE E. CARTIER.—The honourable gentleman will recollect that the Catholics were in a minority in the Parliament of Canada.

Mr. COSTIGAN—No doubt that was correct, but the difference was not so great as in New Brunswick, and they exercised

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more influence in the Canadian Parliament than the Catholics of New Brunswick could expect to exercise in their Legislature. He felt proud to see that spirit of liberality and fair play which the Catholic majority of Quebec displayed towards the Protestant minority in that Province. He considered that the action of the Legislature of New Brunswick was not in the interests of the country. It had already interfered with immigration and had been the cause of driving from his part of the country settlers both from the United States and from Quebec. If there was any possibility of disallowing the law it should not in the interests of the Province have been allowed to exist. Before sitting down he felt it his duty to express on behalf of the Catholics of New Brunswick as well as himself his gratification at the sympathy, aid and encouragement they had received in the defence of their rights from liberal-minded Protestants in the Province. (Applause.)

Hon. Mr. ANGLIN said that what the Catholics had asked for was, that if the system of direct taxation was adopted, they should have the same rights that Protestants had in Quebec. In applying to the Dominion Government, they considered that as they were being deprived of rights which they had enjoyed under the old law, that Government might well interfere. He feared the Minister of Justice and the Minister of Militia were mistaken in saying that the Catholics were sure to succeed if they persevered; but they would never relinquish the fight, however desperate it might be.

Mr. PICKARD was entirely opposed to denomination grants, and was sorry to hear the Minister of Justice advise that the matter should be taken to the polls, for it only caused ill feeling and hatred. He maintained that education should be carried more than at present into the country districts. He thought that if the whole people joined together to carry out the spirit of the law, it would be much better than the present opposition and hostility; and that the greatest good would be effected by non denominational schools. The matter ought to have been left to New Brunswick, and not carried here.

Mr. COSTIGAN desired to repeat that in a mixed population schools might be sustained acceptable to all parties, but that where the population was entirely Catholic, they ought to have a Catholic school.

Mr. JOLY said the Province of Quebec had set an example in this matter which

had been followed in Ontario and which he hoped would be followed in New Brunswick. If it were possible to have such a system of education as that proposed in New Brunswick, a system where all parties could be educated together it would be the best system possible. But this was utterly impossible. Poor people, struggling for their living, had not much time to devote to education, and it ought to be endeavored to give them as much education as possible. As a Protestant he thought it his duty to help Catholics to have schools of their own as Protestants had.

The motion was then carried.

SENATE.

Mr. MILLS moved a resolution declaring the present mode of constituting the Senate inconsistent with the Federal principle of Government. He said that if the question of a nominated Chamber had been submitted to the country at the time of Confederation, they would have decided against it. It was simply a step in the direction of the English House of Lords, and maintained that such a House was altogether unsuited to the circumstances of Canada. In England the Peers gained great experience in the Lower House, and by their action there gained the confidence of the country. They represented a great power in the country there. They possessed power which was not conferred on the Senate here,—in England each body, the Crown, the Peers and Commons was a check on the other, whereas in Canada what power had the Commons over the Senate. The Government of course raised their own friends to that Chamber, and so when there should be a change of Government the Senate might not be in harmony with the incoming administration. There was no valid reason for the principle of nomination being introduced into the second Chamber. The power of the Commons lay in its representative character, and until the Senate was on the same basis it would never be a great power. If a House was formed of the representatives of one class only, it could never be an influential body. He complained that a Senate, while nominated, must necessarily be greatly of one class. He stated the Legislative Council of old Canada while nominated, had had little influence but that so soon as it became elective, its character at once changed, and it very soon included some of the ablest men of the country. He believed that a nominated body must steadily degenerate. In a country like Canada

changes succeeded each most rapidly, villages became cities, hamlets became towns, and in proportion as a country prospered and progressed so it became necessary that a Legislative body should not be long lived. The Senate at present had no hold on the popular sympathy, and was no check on the Commons. The only benefit of a second chamber was to impress on the other Chamber, the thought that their action had to be submitted to another power, and so there was less likelihood of the rights of a minority being overridden. Each Province ought to have the control of its own appointments so that they might be confident that their rights were upheld by both bodies. The two modes in which only a Senate could properly be appointed were first to divide the whole country into Electoral districts for the Senate, or that the appointments should be made by the Local Governments. He did not think that reform should be delayed until that reform was absolutely needed and thought the constitution of the Senate should be modified at an early day.

Mr. ROSS (Victoria) complained that such matters should be allowed to occupy the time of the House.

Hon. Sir JOHN A. MACDONALD said he always listened with pleasure to the remarks of the member for Bothwell, but in this instance he would have preferred that his speech had been presented as an essay or review in one of the periodicals of the day. The hon. member, however, had not exhausted the subject, and he would suggest therefore that he should elaborate his address and give it to them in a paper which could be read quietly in leisure time.

Mr. MILLS—Will you act on it?

Hon. Sir JOHN A. MACDONALD said he would act on it if he agreed with his hon. friend. The hon. member had said however that the English constitution was a matter of slow development, and was only altered when expedience showed that some portion of that constitution acted prejudicially to the public interest. Then Canada might take an example from that. Her constitution was one under which the country was well governed, and prosperous, and against which there was no complaint. No evil as yet had arisen from the constitution of either chamber, or the balance of power between the Executive and the Legislative. Why then not follow the example of England, and work the system so long as no evil resulted. If it should be found that the Upper Chamber was obstructive and that

a change was absolutely required for the well working of the Commonwealth, it would then be open to move the resolution, but at present he thought the House would certainly vote it down.

Hon. Mr. BLAKE said the Minister of Justice seemed to admit that the time might come when it would be for the good of the Commonwealth to abolish the Upper Chamber. He did not think such an observation was proper to be made. He believed that the existence of an Upper Chamber properly constituted was essential. At present, however, there was the form without the substance for no one could deny that however respectable the Upper Chamber might be, its deliberations and actions had not that influence throughout the country which had been expected of it, and which they ought to have. Selections were made from time to time by Government, from among their friends and therefore at no distant future it must be expected that they would be a purely nominational body, in no way representative, and the results spoken of by the member for Bothwell might then ensue. If the Senators were elected, the federal system would come more thoroughly into play and a seat in the Senate would become an object of ambition to a much greater extent than at present, and he did not doubt that the time was not far distant when such a change would take place.

Hon. Mr. HOWE said that the second Chamber had always been nominated in all the Provinces, and he asked whether the Senate was not a body of intelligent and honorable men, discharging their duties in an efficient and proper manner. No harm had yet resulted, and it was certainly unnecessary to have a change. The reason of the greater influence of the Commons was that it dealt with all money matters.

Hon. Mr. MACKENZIE said that in the debates on Confederation he had strongly supported a nomination principle for the Upper Chamber, presuming that every Government would endeavor to fill the Upper House with representative men, and he believed that such a plan fairly carried out would be the best. The experience of the past few years, however, had modified his opinions, and whether the time for change had yet come or not, he believed a change to be inevitable. Hon. gentlemen opposite could not deny that the power of nomination to the Senate had been abused, and that their supporters who could not retain their seats in the Commons had been placed

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there, and this was one reason that had induced him to modify his opinions. Where such an outrage was possible, a remedy must be provided.

Hon. Sir JOHN A. MACDONALD said he could not possibly allow the remarks of the hon. member to pass without reply. He denied the statement, that the Government had in any way acted improperly in the matter of appointments to the Senate and said that they had used wise discretion in every appointment from the time of the first election till the present moment. There had not been a single gentleman appointed who was not a credit to the Government and to the Chamber. The Senate, as now constituted, was equal to the Commons, or to the Senate of the United States in standing and intellect, and would compare favorably with any similar body in the world. When the hon. gentleman had used such language as that an outrage had been committed, he must have been ignorant of the force and value of language, and he challenged the hon. gentleman to mention one instance in which there had been any improper appointment. With regard to the Provinces of Upper Canada, and Lower Canada, — a full selection was made without reference to political principles. In the Province of Upper Canada a fair arrangement was made between himself and the Hon. George Brown, then and now the leader of the party of which the hon. gentleman (Mr. Mackenzie) is a member, and although Mr. Brown retired from the Government before the selection was made, he (Sir John) felt that still the arrangement was obligatory, and he asked his hon. friend from North Lanark, and the present Lieutenant Governor of Ontario, — the representatives of the Reform party in the Government of the day — to sit down with him and select the twenty-four men for the Senate. He [Sir John] wrote a name, choosing from his own party, and they selected their man, and the consequence was 12 Reformers and 12 Conservatives were elected to sit in that Chamber, and no one knew better than his hon. friend that it was a fair understanding that the claims of members of the Legislative Council of old Canada to seats in the Senate should be considered as vacancies might take place, and that had been faithfully carried out.

Hon. Mr. MACKENZIE — Hear, hear.

Sir JOHN A. MACDONALD — As vacancies had taken place Legislative Councilors had been appointed, with one exception. Mr. Walter McCrae, a Reformer,

from personal and family reasons, desired to get a seat on the Bench, he (Sir John) was exceedingly anxious to help him, because he was a good lawyer, and a good man, and would be a credit to the Bench. When he was offered a seat on the Bench he said he was exceedingly anxious on his own and family account to take the situation, but he was in the difficulty that the remaining member of the old Legislative Council, who was at all likely to be selected to fill the office, was of the Conservative stripe, and if he should give up his seat it would be said that he had done so in order to allow him (Sir John) to appoint a Tory, when he (Sir John) said he would have no objection to naming a Reformer, and asked if the Hon. Frank Smith of Toronto, would satisfy that category, and no one knew better than his honorable friend from Lambton that the Hon. Frank Smith was a Reformer. He was glad to have the opportunity of offering that gentleman a seat in the Senate as also of paying a compliment to the Irish Catholics of Ontario by placing a man of their class in the Senate, and he did not think the hon. member for Lambton would say that the appointment had at all damaged the dignity, usefulness or standing of that assembly.

Mr. JONES (Halifax) said that the appointment to the Senate, from the Province of Nova Scotia were created by means which a great majority of the people did not agree to, and but one of those chosen enjoyed the confidence of the people. He held that the Local Legislatures of the Provinces are the best Judges of, and should select those who are to represent them in the Upper House. He referred to the resolutions of the Maritime Provinces' Repeal Delegation, and the part the now Secretary of State for the Provinces took therein.

Hon. Sir FRANCIS HINCKS had not intended to address the House on this subject, but allusion had been made to him, both by the hon. gentleman who proposed the resolution, and the hon. member for Lambton. The hon. gentleman had said that he had seen occasion to modify his opinions on this matter, and he (Sir F. Hincks) might also find occasion to modify his views. He had referred to a Government of which he (Sir Francis) was a member, bringing to ward a scheme to make the Legislative Council elective. It was perfectly well known that members of a Government sometimes have to give way their own opinions in order to carry on that Government. At the time the Government of which he was a member

was formed, it was essentially necessary to the success of that Government that he should support the gentleman who especially enjoyed the confidence of the people of Lower Canada—he referred to the late Judge Moran—who enjoyed the respect of every one who knew him. There was a very strong feeling in Lower Canada in favor of an elective Legislative Council. Mr. Moran insisted that the principle of an elective Legislative Council should be adopted, and it was with the greatest reluctance that he (Sir Francis Hincks) gave way on that point. His old friend, Mr. Baldwin had opposed the principle of an elective Legislative Council. He (Sir F.) had not so strong an opinion, and as other matters of importance were carried out, and concessions made to the Reformers of Upper Canada, at that time, it was considered that the measure for an elective Legislative Council should be brought forward. He had always thought that there was great danger of collision where there were two elective bodies. He hoped the hon. gentleman would withdraw his motion. He was glad of this opportunity to explain his action with a Government of which he was a member, and which proposed to make the Legislative Council elective. At that time he yielded his own opinions with reluctance to opinions which were then entertained by all his colleagues from Lower Canada.

Hon. JOS HOWE—In reply to the hon. member for Halifax, said that when that old manifesto was written he believed every word of it, and he was of opinion that the larger number of the representatives of the Province of Nova Scotia chosen at Confederation did not at that time share the opinions of a majority of the people. With regard to those gentlemen he had had influence in appointing to the Senate—the first vacancy was offered to Mr. Wm. Stairs, brother-in-law of the hon. member for Halifax, one of the wealthiest and most liberal minded men in the Province. He regretted that Mr. Stairs had not accepted, as he was chairman of the anti-Confederate League, and had the confidence of the people. Mr. Northrup was next offered a seat in the Senate, and declined, but subsequently accepted another vacancy. He presumed that Mr. Northrup could have got any one of half a dozen seats in Nova Scotia. His father had for thirty years been one of his, (Mr. Howe's) warmest personal and political friends, and by his side, aided by his whole family, had fought the battle of civil and religious liberty and of responsible government, long before the mem-

ber for Halifax had been heard of as a public man. As to Senator Northrup, when selected, he represented the Metropolitan County of Halifax, and might, had he chosen, have represented Hants long ago. Next came Mr. McLellan, whose father for twenty years represented a constituency of Nova Scotia, advocating all improvements and reforms, and when the old man died young McLellan inherited his father's position, his talents and part of his wealth. The member for Halifax had said that he could not be elected for Colchester, whereas, when selected he represented that county, and after his elevation the county was triumphantly carried in spite of the exertions of Mr. Jones and his friends.

Hon. Dr. TUPPER felt it his duty to repel the unjust and unfounded imputations cast by the honorable member for the County of Halifax upon a body of gentlemen than whom, he was bound to say, their superiors did not sit in either branch of this Legislature. The hon. gentleman had undertaken to say that gentlemen who were recommended for the Senate by the Government of Nova Scotia of which he (Dr. Tupper) had the honor to be the head, obtained those positions in a manner undeserving the high positions to which they were called. The honorable member knew that when the leader of the liberal Opposition in the Lower House in Nova Scotia, following the dignified and exalted example which had been set them by the two great parties in old Canada, joined hands with him (Dr. Tupper) in endeavouring to accomplish the great question of the Union of the Provinces, he (Dr. Tupper) adopted the same course in reference to the party with which they were connected as the first Minister of the Crown had stated he felt bound to adopt with regard to the great liberal party of Canada. When the Senate was chosen, the first thing done was to tender the twelve seats at the disposal of Nova Scotia to twelve members of the Legislative Council. He would ask the hon. member how he dared utter the imputation in this House that he [Dr. Tupper] carried the union in the Legislature of Nova Scotia by the corrupt means which he had insinuated, while he was able to rise in his seat and say that of the two thirds majority that carried that measure in Nova Scotia in the public assembly, not a man was offered a seat in the Senate, until all the twelve seats had been tendered to the members of the Legislative Council. Eight were accepted by those gentlemen, six of these at the nomination of the

Hon. Sir J. A. Macdonald.

Liberal party. The hon. gentleman has stated that these men were unworthy of the high position. Would he state to this House in the hearing of the gentlemen in the Senate, that Sir Edward Kenny was unworthy of his position? He [Sir Edward] was an Irish Roman Catholic, who by his industry, talent, and his manly conduct in every position in life, had raised himself to the position of one of the first merchants in the Province. He was a gentleman who commanded the undivided respect and confidence of men of all classes. He had filled the high and honourable position of President of the Legislative Council, for a long series of years, in Nova Scotia, and when called to the Senate it was felt by all that no man in the length and breadth of Nova Scotia was more deserving. John H. Anderson was another Senator who had done credit to himself and country. After long and laborious service in the Legislature, and having attained a position as one of the first merchants in the country, he went down to his grave honoured and respected by all. He was another of the gentlemen upon whose memory this disgraceful and uncalled for imputation was now cast by the member for Halifax. The Hon. T. D. Archibald again was one of the foremost men in the country. A gentleman who dignified the seat which he filled, who had held not only a seat in the Legislative Council, but who had been honored by the confidence of a large majority of the people of the country, and had occupied the position of an Executive Councillor. Mr. Weir had also passed away. He was, as the honorable gentleman knew, one of the most enterprising merchants that Nova Scotia ever had, and had represented several constituencies in the Province. And yet this gentleman who had received the confidence of county after county, and who had been held in high estimation by all classes must also have his memory vilified as far as it was in the power of the honorable member for Halifax to do so. Mr. Miller was another. He was a Roman Catholic gentleman, second to no man of his creed and class in Nova Scotia in point of talent. He possessed the confidence of the country, and the imputation that he purchased his seat in the Senate by the support that he gave to Confederation was as unfounded a statement as ever passed the mouth of man. He (Mr. Miller), representing one of the constituencies of Nova Scotia, came forward in the interests of his country, and avowed in a manly manner that he was himself convinced that the great

measure which it is now known involved the prosperity of the whole Dominion was worthy of his support, and he gave that support without the slightest inducement of any kind. Of all these gentlemen called to the Senate there was not one of them but who had enjoyed the confidence of constituencies in Nova Scotia, except Sir Edward Kenny, Mr. Dickey, and Mr. Archibald. He would not pursue the subject any further, but would merely say that the insinuations of the hon. member were entirely undeserved, and unworthy of him and the occasion. The hon. member for Bothwell had stated to the House that in Canada, where it had been tried, the elective system for the Upper House had been perfectly successful. He would ask the House if it had no significance that the men, not of one party, but of all parties, who met together at the Quebec Conference, and who had sat down and given full consideration to the best system for the Government of the Country—men who had tried the elective system—should have resolved to go back to the nominative system? The honorable gentleman said that the people would have condemned that choice, but he gave no evidence of that. He knew that the men who framed this scheme were sustained by popular sentiment in this country at the elections which followed. The press of the country was silent on the point, and with such evidence as this we had a right to believe, until there was something more than a mere philosophical expression of sentiment to the contrary, that the system adopted was a wise one and in accordance with the wishes of the people. The honorable gentleman had expressed fears that the Senate would become too independent, and that as the Government could not increase their number they would get beyond control, and that the Government would not be able to get a majority in the Senate. He (Dr. Tupper) thought that this result would be more likely to follow the adoption of the elective system when there would be two bodies chosen by the people, with co-ordinate powers, drawing their power from the people directly, and claiming the same privilege in reference to the initiation of money votes. He concurred with the hon. member for Lambton, that after the discussion which had taken place the wisest course would be to withdraw the resolution, and not bring it forward again until there was some indication that the public sentiment of the country desired it. The people would shortly have an opportunity of saying whether this impor-

tant function of the Crown had been entrusted to safe hands or not.

Hon. Mr. McDUGALL asked what evidence had been adduced to shew that a change of constitution was desired by the people. He thought that ought to be the first consideration. He thought the constitution had been a success, and was not aware that any part of the country desired a change. When the Quebec convention had been held he had advocated an elective principle in the Upper House, but the decision of the large majority of the delegates was against that view, and in favor of the nominative principle; and the great advocate of that principle on that occasion was the political leader of the Opposition. He was not disposed to make a change until the constitution had had a fair trial and until it was shewn that the Senate was an obstruction. Every man who wished well to his country would uphold the constitution. The Federal principle should be restrained and kept within proper bounds and the Dominion House should represent the whole country, standing together, passing laws for the benefit of the whole country. He thought these theoretical questions should not be raised while there were so many practical matters to be dealt with.

Mr. MILLS was quite as sincere in his convictions and his desire for the public good as anyone. He believed that though the Quebec Convention decided in favor of the nominative principle, the people at large held a different opinion. It had been said that no change should be made until the necessity arose, as was the case in England. Canada and England, however, were in very different positions. The constitution of Canada had not grown gradually and naturally as that of England had, and he thought it was not wise to wait for some calamity before making a change. Was there any propriety in giving a Province a number of representatives in the Senate to protect the interests of that Province, and yet placing the appointment of those representatives in the hands of the Government, which might be in antagonism with that Province? Hon. gentlemen opposite had upheld the high standing of the Senate, and yet in the beginning they had been compelled to come to the House of Commons for a Speaker. Why should the Speaker of the Senate be appointed by the Crown, while the Commons appointed their own Speaker. In the framing of the constitution, that of England had been copied instead of being adapted to the different circumstances of Canada. He referred to the Speech of the member for Lanark at

Hon. Dr. Tupper.

Hamilton which had been stated to be in favour of Annexation. He believed that if ever there were a change it would be in the direction of a closer change with the Mother Country, and that a state of independence under the circumstances would be the weakest possible position. If the member for Lanark could talk on such an agitating subject, why should not he [Mr. Mills] advocate a constitutional change which he believed would be a great benefit to the country. He withdrew his resolution.

Hon. Mr. MACKENZIE referred to his statement respecting the Government having outraged the Constitution, and he now desired to state his reason for that remark, about which the Minister of Justice, not now in the House, had taken him to task. He stated that two sessions ago Government had appointed Mr. McLennan to the Senate, so that he might retain a salary of \$3,000 as Intercolonial Railway Commissioner, and that the Constitution was outraged and the privileges of the Senate violated by the appointment. It was with great pain that the occurrences of the last few years had compelled him to modify his opinions. He referred to the speech of the Hon. Mr. Dunkin at Quebec pointing to some other mode of appointments to the Senate than that now in force and stated that he still believed the two Houses should be constituted differently, and only modified that opinion because Government had not properly carried the theory into practice. He maintained that so far from the people being altogether in favor of the nominative principle, he had found, in the course of his numerous meetings at the time of Confederation that they were very generally opposed to it.

Hon. Mr. CHAUVEAU referred to the statement of the member for Lanark and denied that there had been any outrage in a simple appointment to the Senate.

Hon. Mr. MACKENZIE said that it was never intended that the Senate should be for placemen.

Hon. Mr. CHAUVEAU said there was no law to prevent the appointment of place-holders to the Senate. Referring to the elective and nominative principles he said that it was generally agreed at the Convention that the rights of the people would be best protected by having the Upper Chamber nominated. He did not think the hon. member for Lambton had made out any ground for the grave charge he had brought against the Government.

The motion was then withdrawn.

COMMITTEE OF SUPPLY.

Hon. Sir FRANCIS HINCKS then moved the House into Committee of Supply and several unopposed resolutions were passed.

House adjourned at 11.40.

SENATE.

TUESDAY, 30th April, 1872.

The SPEAKER took the chair at three o'clock.

DIVORCE.

Richard Martin, Barrister-at-Law, appeared at the Bar, and gave testimony to the effect of having served certain papers on the respondent at Suspension Bridge, N.Y. The petition of J. Robert Martin for an act of divorce from his wife was then read and referred to Committee on Standing Orders and Private Bills.

NARROW vs. BROAD GAUGE.

Hon. Mr. BOTSFORD, in accordance with his notice of enquiry, then brought forward a large number of authorities to show the advantages that the country would derive from having the Intercolonial Railway constructed on the narrow instead of the broad gauge. In the first place he stated that he deeply regretted that the Government of the day had not graciously yielded to the voice of the majority when this question was brought up in the Commons two years ago. He presumed he was not incorrect in stating that a majority were in favor of changing the gauge for the line which had been adopted by the Government. The Government dealt with it as a Government measure and yet there was only a majority of two against a reduction of the gauge, that too after a division in which some six or eight members of the Administration voted. It was an undoubted fact that a flood of light had been cast upon this subject of late years, and that the superior advantages of a narrow gauge had been proved beyond dispute. In this connection he referred to authorities which were entitled to the highest respect—to the Commission appointed to enquire into the merits of the famous Festiniog Railway. Gentlemen came from Russia, Sweden, Norway, Switzerland, North Germany, and together with celebrated Engineers interested in English Railways met in Wales, and reported on the capabilities of the line; and the results of their examination were

unanimously in favour of the work. The issue of this examination was, that the Government of India adopted a gauge of three feet five inches. The Russian Government constructed their railways thenceforth on a gauge of three feet Norway and Sweden adopted the gauge of three feet six inches. There were railways running in France only twenty-nine inches in gauge—one in Prussia of thirty-one inches. Two of these lines in France were in private hands, and another under the control of the Government, and all had been eminently successful in point of economy of construction and management, while at the same time they fulfilled all the requirements of the trade of the section through which they passed. These gentlemen came to the conclusion that a gauge from 3 feet to 3 feet 3 was the widest necessary to perform all the work on a railway. The authority of Capt Tyer was quoted to show the great rate of speed at which a line might be worked. The railway in question carried double the quantity of traffic passing over the Grand Trunk, at a rate of 35 or 40 per cent. less for working the road and maintenance of way. He also read from authorities to show the smallness of cost in constructing the narrow gauge. It had been proved that the gauge of 2 feet 6 was enough for the heaviest traffic, and was the cheapest in point of working. On the ordinary broad gauge, the weight on the engine wheels and rolling stock was something between three and five tons, and the proportion of dead weight which the cars are obliged to carry is some 70 per cent. of the weight carried; but on the narrow gauge all this was reversed. Experience had proved that the extraordinary weight of engines and cars on broad gauge lines would in course of time crush any iron or steel rails. Great stress had been laid on the necessity of having railways of one gauge, but now-a-days mechanical appliances were arrived at such perfection that the cost of transfer from one car to another was comparatively little, and would be very insignificant when placed against the cost of a broad as compared with a narrow gauge. It had been found, too, by experience that the curves on a line could be made much shorter; on the examination in question, a train eight hundred feet long, laden with minerals and passengers, was frequently running on three different curves at the same time. It was folly to construct a road on the broad principle in a new country, when the same amount of work might be done at a great saving of expenditure. In order, how-

ever, to arrive a correct conclusion with respect to the Intercolonial Railway it was necessary to take into consideration the geographical position of the country, and compare that line with others in progress. Taking Montreal as the natural point of departure for the trade of the Great West, the distance to Halifax was some 858 miles in length. The Intercolonial touched the 49th degree of North Latitude, and passed through a country of which he had personal knowledge, and he could safely assert that a large tract of it was not calculated to attract settlers in large numbers, though parts of it might be pretty well timbered. Now there was a rival line in contemplation,—the line which was to run from Montreal via River du Loup through the Valley of St. John to the port of St. John—an admirable harbour accessible at all seasons. This road would run entirely through British territory and was 624 miles in length to St. John against the 858 of the Intercolonial to Halifax; and it would be actually to the advantage of the Haligonians to go by the former in preference to the latter. He had acquaintance with the country through which it passes, and could say that it was well suited for settlement. Again, there was the line from Sherbrooke via the Megantic to St. John, making only 435 miles between Montreal and St. John. It would therefore be seen that the Intercolonial was to be brought into competition with rival lines, much shorter and running through a country better adapted for settlement. In the case of the Intercolonial, it must also be recollected, that it was exposed to all the difficulties arising from heavy falls of snow very difficult to remove, even by the ploughs generally used for such purposes. Yet in face of the fact that the Intercolonial was to compete with rival lines under all these circumstances, the Government had determined to construct it on the most expensive system of gauge. Had they yielded to the feeling of the Commons two years ago they would have saved the country a large amount of public money. The cost of the narrow gauge was calculated at about three fifths less than the broad gauge; and here the hon. gentleman quoted from the remarks of Mr. Potter, President of the Grand Trunk Railway, who declared at a meeting of the Company that it was of great importance to Canada that the Intercolonial and Pacific roads should be of the narrow gauge of the American railways, and that it would pay the Canadian Government five times over were they to give the funds necessary to substitute the narrow gauge on the Grand

Trunk line, Captain Tyler, at the same time, gave a very emphatic condemnation of the policy of the Canadian Government when he stated that the 'idea of employing the five feet gauge for the whole length of the line, and through such a country was little short of madness.' In conclusion the hon. gentleman stated that he had been always in favor of the narrow gauge and was very anxious to see it adopted in this country. He was at no time opposed to the construction of the Intercolonial road; he had always thought that the northern Counties of New Brunswick were entitled to consideration, but he believed that the Government had adopted an entirely wrong principle with reference to its construction. The people of the North Shore of New Brunswick would themselves in the course of time awake to the consciousness that it would have been for their interest had the narrow gauge been adopted. He did not wish to throw any impediment in the way of the speedy completion of the line, but he certainly did desire to save a large amount of public money, which was being thrown away. He concluded by asking whether the Government still adhered to its decision of completing the Intercolonial Railway on the broad gauge, and if not, what width of gauge did it propose to adopt?

Hon. Mr. CAMPBELL replied that he had not interrupted his hon. friend, but he had assuredly been out of order in offering such extended remarks, previous to making a mere enquiry of the Government. In making that reference he (Mr. C.) had no other wish except to call attention to the advisability of adhering strictly to those rules which are intended to facilitate the despatch of public business. The question of the hon. gentleman, however, could be very easily answered; the Government were compelled by law to construct—here he quoted from the Statute—the line on the gauge of five feet six inches. He did not propose to follow the hon. gentleman into a discussion of all the points he had raised, but he gathered from that hon. gentleman's remarks that they were founded to some extent on a misapprehension. For instance, Captain Tyler was not arguing in favour of the Festiniog gauge, or for three feet six inches, but for four feet eight and a half inches. The idea of that gentleman was to construct the Intercolonial on that gauge, and apply a large sum of money to alter the gauge of the Grand Trunk Line; but hon. members knew full well how such a proposition would be met in this country. Now if his friend confined his remarks to

Hon. Mr. Botsford.

the 4 feet 8½ guage, then he could inform him that every care had been taken by the Government to ascertain as accurately as possible the best guage for the Intercolonial road. At one end they saw the Grand Trunk and its feeders, some 1,200 or 1,300 miles, and at the other some 300 miles in the Maritime Provinces, and with these facts before them they were forced to decide on continuing one guage throughout. He had supposed that the 4 feet 8½ guage could have been constructed and worked more cheaply. The opinions of the best engineers in the country, among others, the engineer who had taken part in the reduction of the guage of the Great Western line, had been taken, and they were to the effect that there was no important difference between constructing a 4 feet 8½ and a 5 feet 6 inch guage. It was for these reasons that the Government had concluded that it was most expedient for the public interests to adhere to the guage now in general use on the most important lines of communication. So far, certainly, it had never been urged in either branch of the Legislature—never suggested even by professional men of standing that we should build the Intercolonial line on a guage less than 4 feet 8½. No one could urge that it would be advisable, with the limited experience we have so far of the extremely narrow guage roads, we should change our system. It was quite possible that the short line of the Festiniog, only some 14 or 15 miles in length, would be equal to the public requirements in that particular district. An immense number of persons, and a large traffic might go through a small lane, but it was very different when we came to consider the great lines of communication. Perhaps in the course of time the narrow guage system would be adopted, but at present engineers were not quite satisfied on the subject, and it was certainly not advisable for the Canadian Government to try any experiments.

Hon. Mr. BOTSFORD contended that he had only followed the practice of the House of Lords in making the remarks he did.

THIRD READING.

On motion of Hon. Mr. CAMPBELL, the Bill in reference to Malicious Injuries to Property was read a third time and sent to Commons.

House went into Committee, Hon. Mr. Bourinot in Chair, and passed the Bill in reference to Larceny of Stamps with amendments.

The House then adjourned.

HOUSE OF COMMONS.

TUESDAY, 30th April, 1872.

The SPEAKER took the chair at three p.m.

ROUTINE BUSINESS.

Mr. MACFARLANE presented the report on Standing Orders.

Several petitions were presented and read.

Mr. MACFARLANE moved, seconded by Mr. BOWEN, that the time for receiving private bills should be extended to the 6th of June, and petitions to the 16th of May.

Hon. Mr. CHAUCHEAU moved, to introduce a Bill, founded on the petition of D. R. Archer for obtaining a patent with reference to a knitting machine and loom.

Hon. Mr. MACKENZIE thought that the measure of the Government, in the regard to patents would supercede any necessity for this Bill.

Hon. Mr. POPE said he would introduce a Bill to amend the Patent Act on Friday.

Dr. BOWEN introduced a Bill to incorporate the North Western Railway of Manitoba.

Mr. SHANLY moved for leave to bring in a Bill for an Act to incorporate the St. Lawrence International Bridge Company.

Dr. GRANT moved for leave to introduce a Bill to incorporate the Canadian Pacific Railway Company.

Mr. A. MORRISON moved for leave to introduce a Bill to incorporate the Inter-oceanic Railway Company of Canada. Referred to Committee on Railway.

Dr. BOWEN moved for leave to incorporate the Central Railway Company of Manitoba.

Hon. Sir GEO. E. CARTIER moved for leave to introduce a Bill to incorporate Montreal, Grand Trunk and Lake Champlain Railroad Co.

Mr. MORRISON moved for leave to introduce a Bill, entitled "An Act to amend the Act incorporating the Western Insurance Co."

Mr. MAGILL moved for an Act to amend the Act incorporating the Mutual Life Assurance Company of Canada.

Mr. KIRKPATRICK moved for an Act to incorporate the Marine and Fire Insurance Company of Canada.

Hon. Sir FRANCIS HINCKS presented two Messages from His Excellency, signed by himself—concerning supplementary estimates.

Hon. Sir FRANCIS HINCKS moved that these Messages of His Excellency the

Governor General, be referred to a Committee of the Whole House.

Hon. Sir JOHN A. MACDONALD laid upon the table papers relating to the seizure of the *C. E. Horton*.

Hon. Mr. LANGEVIN submitted papers relative to the Miramichi bridge.

Hon. Mr. MACKENZIE stated that the papers relative to the St. Clair Flats Canal had not yet been brought down.

Hon. Sir JOHN A. MACDONALD asked leave to introduce a Bill to give effect to certain articles of the Washington Treaty.

Hon. Mr. MACKENZIE wanted some explanation.

Hon. Sir JOHN A. MACDONALD said that he was merely moving to have the matter put upon the Orders of the Day.

Hon. Mr. MACKENZIE said it would necessitate on the part of the Opposition some action which would produce discussion.

Hon. Sir JOHN A. MACDONALD withdrew his motion.

THE BUDGET.

Sir FRANCIS HINCKS, in moving the House into Committee of Ways and Means, said: Mr. Speaker,—I propose to follow on this occasion the course suggested last year by the hon. member for Chateauguay, and to make the financial statement, which it is my duty to submit to the House, while you, sir, are in the chair, upon motion to go into Committee, instead of following the former practice of making that statement while the House is in Committee. As there are several new members in the House, whose presence we all hail with satisfaction, I think it proper to state on the present occasion, that owing to the time at which the fiscal year terminates, it is necessary to take into consideration the revenue and expenditure of three fiscal years, viz., the year which terminated on the 30th June last, the year now coming near to a close, the results of which can be calculated with tolerable accuracy, and the year for the services of which we are about to ask the House for supplies. I think I may also on this occasion, for the information particularly of new members, make a few remarks with regard to the state of the public debt. An hon. member of this House—indeed, one of the new members—in course of conversation a few days ago, was quite astonished to hear the small amount of the debt, having been under the impression it was much larger. I told him that in round numbers it amounted to about \$80,000,000. The last statement showed that on the 30th June

last the actual net debt was \$77,706,517, but as there were a number of assets, some of which might not be worth par, I may be safer in speaking of it as \$80,000,000. I may observe, also, with reference to the debt that there is one feature of it which has caused every year an increase of the gross debt without causing an increase of interest payable on it. That increase arises from the non-settlement of the debt of the old Province of Canada, which has rendered it necessary to keep an open account with the Provinces of Quebec and Ontario, so that an item of about seven and a half millions of dollars appears on both sides—that is, as a debt and as an asset. It, however, involves no charge of interest whatever. The auditor's report on the transactions of the last fiscal year and the appendices will, I hope, be found to present the actual position of the debt and of the assets in a clearer manner than in former years. The fact that the interest received on the assets is about 20 per cent. on the interest paid must be considered ample proof of their value. The statements regarding the capital expenditure since Confederation cannot but be considered most satisfactory. From them it will appear that during the four years since Confederation there was expended on the Intercolonial Railway, on the purchase of the North West Territory and expenditure consequent thereon, for which loans were specially authorized, \$7,268,698; also against Public Works chargeable against capital by authority of Parliament \$1,130,885. From this latter sum however, an amount was transferred to the Consolidated Fund Revenue account by my direction, because exception was taken in the Committee of Public Accounts to some items, as improper charges against capital. These items amounted to \$317,580.12, reducing the expenditure on Public Works chargeable against capital, to \$813,205, which added to \$7,268,698 gives \$8,081,903 as the expenditure on capital account, while the total increase of debt since Confederation has been only \$1,977,876, so that \$6,104,027.58 has been expended out of our current revenue, on important public works, and in acquisition of the North West Territory. I may add that though of that large amount, no less than \$3,640,248.19 was expended in the year 1870-71, the net debt had decreased for the first time in the history of the country, by \$503,224 (hear, hear). I may take the opportunity of calling attention to one item among the assets which may possibly tend to relieve the mind of my hon. friend from Lennox, who has on more

Hon. Sir Francis Hincks.

than one occasion expressed apprehensions of embarrassment from our large Savings Bank deposits, which I am happy to say now amount in all the Provinces to about four and a half millions. There is held in London \$1,362,666 in 5 per cent Canada bonds, specially on Savings Bank account. As these bonds could be turned into money at any moment and drawn against, and as they are above 25 per cent of the aggregate Savings Bank deposits, I should imagine that no alarm need be felt on that account. I will now refer, and I hope for the last time to the attacks made on the Government on account of the policy of my predecessor with reference to the investment of the proceeds of the first half of the Intercolonial Railway Loan. On the first of July, 1869, we held in Exchequer Bills, \$6,575,410.05, or in other words, the Consolidated Revenue was in debt that amount to the Railway Commissioners. On 1st July, 1870, the Exchequer Bills were reduced to \$2,224,353, and on 1st July, 1871, there were no Exchequer Bills, but on the contrary the Consolidated Fund was largely in advance to the railway account. Of course this amount is changing day after day, but always in the direction of increased indebtedness to the Consolidated Fund. The last statement I have had, was up to the 16th of this month when we had paid \$8,612,492 on that account leaving only \$1,120,841 of the amount raised, being the half of the whole loan. We have in deposit in the Bank of Montreal on Intercolonial Railway account bearing interest, \$4,500,000, so that the Intercolonial Railway owes the Consolidated Fund \$3,379,159. Again we have in London \$3,000,000, or to speak more correctly, £600,000 sterling in Imperial Guaranteed Bonds and Canada 5 per cents, half of each issued on North West account, which we can place in the market at any moment that we please, and in addition to these amounts we have about one million of dollars in Bank deposit receipts bearing interest. I hold therefore that our financial position is impregnable (hear, hear). I shall now proceed to the consideration of the accounts of the year which terminated on 30th June, 1872. In the estimates of last year, as submitted by me, I anticipated an aggregate revenue of \$17,360,000. The actual result has been a revenue of \$19,335,560.81, or an excess of revenue of \$1,975,560.81. On the other hand the actual expenditure has been only \$15,623,081.72, so that the aggregate surplus on the year is \$3,712,479.09. As I am well aware

that I may reasonably expect criticism from the honorable gentlemen opposite, and have no desire to shrink from it, I will anticipate the charge that my estimates of revenue have turned out wholly unreliable. I readily admit that such has been the case, but I have very high authority, no less than that of the distinguished statesman who is Chancellor of the Exchequer in England for maintaining that it would be most unsafe for a Minister to make a mere speculative estimate, and to ignore that furnished by officers whose special duty it is to make themselves acquainted with facts. The gentleman to whom I refer was placed in rather an embarrassing position, inasmuch as he had in previous years made too low an estimate of revenue by something like £2,000,000 stg., and had, in order to meet the anticipated deficiency, put on an income tax against the remonstrances of some gentlemen in the House who told him his estimate was a great deal too low. It turned out as they stated, and next year he had to come down and admit that the gentlemen who had criticized his estimates were more correct than he was. He thus certainly found himself in an embarrassing position—one much more embarrassing than I put myself in; last year when I stated my expectations of revenue the hon. member for Sherbrooke (Sir Alexander Galt) admitted that they were reasonable and no exception was taken to them. I had made a very fair estimate. I will say, moreover, that erroneous calculations in estimates are of far less importance in Canada than in England. In England, as we all know, there is an enormous public debt of £750,000,000 sterling, which was contracted ages ago for the defence of the country, and handed down from generation to generation. Public opinion in England has long since settled down against making any attempt to reduce the capital of that debt. It is considered that the people should not be taxed beyond the amount necessary to pay the interest and the ordinary expenses of Government. It is to be recollected that our debt is not contracted for such purposes as the debt of England is contracted, but for objects which will be more beneficial to the generations to follow us (hear, hear) than they are to us. If I had anticipated that the result would have been as it has turned out, I would not have been prepared to come forward under the circumstances to propose any further reduction of taxation. It will be recollected that last year we reduced taxation by the abolition of the 5 per ct. duty, equal to about

\$500,000, and that afterwards at the instance of the House, without doubt from the pressure of the House, we had to take off other duties which might be estimated at \$300,000, making a reduction of taxation during that year of no less than \$800,000. I desire to explain the chief items in which the revenue is in excess. In order to do this satisfactorily I must eliminate the amounts received on account of new duties imposed in 1870. These duties in the year ending 30th June, 1871, amounted to \$640,778, and deducting this amount from the aggregate revenue of \$11,843,655 we have a revenue of \$11,202,877. Making the same deductions in 1870 we have a revenue of \$9,277,489.69. There were some alterations made in the Customs tariff in 1870 that were not included in the reductions of 1871. There was additional duty on wine, tobacco, cigars, rice, hops, and one or two other articles, but these are not of great importance, but it is not desirable to lose sight of them as they have added a little to the revenue. The excess of 1871 over 1870 was \$1,925,387.35. It will be obvious that considering the very great number of articles upon which the revenue is raised, being chiefly on articles which came under the 15 per cent duty, it would be perfectly impossible to go into any minute details with regard to those items. I will however observe that out of this \$1,925,387.35 there was a gain on nineteen leading articles of \$1,543,637.45. Then, if you compare 1871 with 1869, the excess was \$2,903,967.33, of this sum the excess on the 19 leading articles was \$2,474,190.86. I will state what these articles principally are:

Spirits gave in 1869.....	\$810,019
“ “ 1870.....	901,547
“ “ 1871.....	1,024,287
Cigars gave in 1869.....	37,126
“ “ 1870.....	55,372
“ “ 1871.....	108,115
Tea gave in 1869.....	916,177
“ “ 1870.....	1,140,648
“ “ 1871.....	1,157,315
Wine gave in 1869.....	129,178
“ “ 1870.....	170,547
“ “ 1871.....	195,181
Sugar cane juice and molasses	
in 1869.....	1,476,531
“ “ 1870.....	1,846,774
“ “ 1871.....	1,933,154
Cotton goods	
in 1869.....	1,107,003
“ “ 1870.....	1,100,998
“ “ 1871.....	1,361,579

Woollens in 1869.....	1,008,382
“ “ 1870.....	1,045,287
“ “ 1871.....	1,457,476
Iron and Hardware in 1869.....	319,725
“ “ 1870.....	354,934
“ “ 1871.....	466,525
Silks and Satins in 1869.....	158,568
“ “ 1870.....	192,185
“ “ 1871.....	305,995

I will not weary the House with further details, but under the 19 heads of revenue the collections were—

In 1869.....	\$6,827,754
In 1870.....	7,758,308
In 1871.....	9,301,945

I may state that consequently more than one half customs revenue is derived from 5 sources, viz: spirits, tea, sugar, molasses, cotton, and woolen manufactures, and that those articles gave

In 1869.....	\$5,318,145
In 1870.....	6,035,256
In 1871.....	6,933,382

As I said before, I readily admit that I would not have ventured to anticipate such increases as these, or to have come down to this House with an estimate calling upon them to vote money calculated upon such an increase. With regard to the savings upon expenditure it will be found that, as usual, the principal saving is under the head of Public Works. There is always great difficulty in estimating with anything like exactness the amount that can be expended in a year, and I have no doubt that my honourable colleague, the Minister of Public Works, will endorse the statement made a few weeks ago by the same distinguished statesman to whom I have before referred, on this point. When accounting for deficiency of expenditure, he said, “it was chiefly due to buildings, the expenditure on which is necessarily very uncertain. A number of things prevent us going on with buildings as fast as we expect, all sorts of obstacles must arise.” The charges on revenue were \$165,000 less than the estimate, and the Militia expenditure, \$160,000. I need not go further into the minor items, as they will all be found in detail in the public accounts. I now come to the consideration of the revenue for the current year, and it is satisfactory to be able to state that notwithstanding the reductions of last year, which we may assume at about \$800,000, the revenue will be rather in excess of the last, even making allowance for British Columbia. I estimated the Customs revenue at ten millions, which I considered at the time a very full estimate. It will reach \$12,500,000, when I state that, notwithstanding the great

increase of 1871 over 1870, the increase in 1872 will be \$220,000 in woollens, \$130,000 in cotton, \$25,000 in wines, \$75,000 in spirits, it may be expected that when British Columbia is added, that we have made a safe calculation. The Inland Revenue will give \$250,000 above the estimate; the Public Works, \$200,000; Post Office, \$80,000; Stamps, \$30,000; Miscellaneous, \$150,000; or in round numbers, \$3,240,000 above the estimate; giving an aggregate revenue for the current year of \$20,050,000 (hear, hear). It is satisfactory to say that not only in Customs and Excise, but in all branches there has been an increase. In the statement which was submitted to the House of the expenditure up to the latest moment for which the return could be made, the 31st March last, it will be found that there was an expenditure up to that time of \$11,620,695. The estimated expenditure to the close of the year is not likely to exceed \$4,874,838, giving \$16,495,533 for the whole year. To this must be added the supplementary estimate for the current year which I have laid on the table which will amount to \$438,999 chargeable against Revenue, and \$250,000 for the Pacific Railway Survey. I may observe that of the charges against revenue in the statement sent down, the principal items are \$35,000 for Indian annuities under recent treaties; \$50,000 for losses, in Manitoba; \$70,000 for Surveys, and \$35,000 for the Manitoba Expeditionary Force. The aggregate expenditure for the current year is not likely to exceed \$17,040,695, and I therefore venture to anticipate a surplus for the present year of, \$3,115,467 (cheers). I now approach the consideration of the year which is to come and can only say that in framing my estimates, I have taken all the care in my power to arrive at correct conclusions. I need scarcely say I have consulted my colleagues the Ministers of Customs and Inland Revenue, who are at the head of the departments which furnish the bulk of the revenue. I feel I am justified in estimating Customs at \$12,500,000; Inland Revenue at \$4,625,000; Stamps at \$200,000; Post Office \$700,000; Railroads, Telegraph lines, and Manitoba road \$1,030,000; Canals and other works \$580,000; Miscellaneous \$1,000,000; giving an aggregate revenue of 20,630,000 dollars. I shall refer very briefly to the Estimates. The aggregate amount is \$29,675,460, but from this must be deducted the amount required to meet reduction of debt, \$92,234, and capital expended on proposed public works, amounting in the

aggregateto \$10,042,734, leaving estimates chargeable against Consolidated Revenue Fund 19,632,726 dollars. I might, therefore, fairly contemplate a surplus next year of about one million, were it not that my experience leads me to anticipate supplementary estimates, which I hope, however will not be excessive. I do not intend to comment at any length on the Estimates. I feel assured they will be scrutinized with great care by gentlemen opposite. I do not wish to enter into details with respect to items, because my hon. friends at the heads of departments, who had brought forward estimates and were more particularly responsible for them, will be prepared to vindicate them better than I can do; but at the same time I would remind the House that for many years, when the revenue was scarcely sufficient to meet the expenditure absolutely necessary, a great part of the public service was literally starved. It is now a fitting time when our finances are in a more prosperous condition, to come forward to erect those necessary public buildings which in various parts of the Dominion are absolutely essential (hear.) The Public Works estimate may appear large by comparison of the aggregate amount with former years, and it may be admitted that if any difficulty should arise, many buildings and works might be postponed, but I hope and believe that the House will concur with the Government in thinking that when the revenue is sufficient to meet the charges upon it, they ought to seize the opportunity of erecting buildings very much required for the public service. There is another point to which I wish to refer. In the estimate for Public Works are included a number of items which, though charged against the current revenue of the year, will produce an income and entail no burden on the country, such as harbours and other works. The lighthouse service is no doubt a heavy charge, but it must be borne in mind that every individual in the country is interested in this service by which the navigation is improved. We are competing for the trade of the Great West, and cannot succeed if we neglect what is essential to success. The Gulf and River St. Lawrence has had a bad name in days gone by. Insurance rates were high and freights, of course, high in proportion. My hon. colleague the Minister of Marine and Fisheries, is thoroughly alive to the wants of the trade, and I can state from my own knowledge that several of his proposed works would have been in former estimates, but that we did not

think it right to increase that branch of the expenditure too much. The Minister of Agriculture had also made large demands, but I believe there is no expenditure more likely to be reproductive than that which is incurred for the promotion of immigration. My hon. friend has entered into this work with zeal and energy and he will be able no doubt to account for the expenditure in a manner satisfactory to the House (cheers). I feel that I would not discharge my duty on the present occasion if I were to abstain altogether from entering into the subject of the very large prospective demand for Public Works, and its bearing on the public revenue and expenditure. It would be a dereliction of duty in a Minister of Finance to abstain from all reference to a contemplated expenditure of no less than forty million of dollars, involving an addition of fifty per cent to our debt. I own, however, that I approach this subject with some hesitation and reluctance, owing to my unwillingness to make any reference in a financial statement to a question of the gravest political importance and which has not yet been discussed in the House. I refer of course to the Treaty of Washington, but especially to the arrangement made with the Imperial Government for an Imperial guarantee for a portion of our anticipated loan. I shall endeavor as far as possible to avoid discussing those branches of the question which have no bearing on Finance, but I cannot, entertaining views which I do, avoid submitting them for candid consideration of the House on this occasion. It is now apparent to the House and public, that the Imperial and Canadian Governments were not for many months in a state of accord on the subject of the Treaty of Washington. I have no doubt that we on this side have been charged in England with great selfishness, with utter disregard of any interest but our own, while on the other hand, we have been inclined to think the Imperial Government and the people of England generally have shewn little zeal in the defence of our rights. I have always thought it exceedingly unfortunate that our fishery disputes were mixed up with the settlement of important Imperial questions, which were the principal object of the Washington Treaty (cheers). I am bound to say that I, with others, felt deep regret when the First Minister was invited to sit on the Commission at Washington. But whilst feeling that regret I had no doubt whatever that it was absolutely impossible for him, in the interests of the country to

take any other course than accept that position. A refusal to serve would have been taking grave responsibility while in accepting the position he ran the risk of giving dissatisfaction to many of his countrymen. I shall not dwell on this branch of the question, I want to approach the financial branch of it. We are charged day after day with selling our rights for a mess of pottage (cheers from the opposition) and no efforts have been spared to depreciate the value of the concession which has been made to us. It ought not to be lost sight of that England had very considerable interest in the settlement of this dispute about the fisheries and it is a mistake to suppose it is exclusively a Canadian question. What would our fisheries be worth without the protection of England, and we know perfectly well that England had to employ a very considerable force year after year for their protection and further that there has been constant danger of collisions that might have led to very serious consequences. It is also well known that trespassers on our fishing grounds have been taught by men of considerable political influence that they have a perfect right to fish in our waters and that they ought to enforce this right in the best way possible. We cannot pretend to maintain that England exceeded her strictly constitutional powers. She made a treaty which required the ratification of Canada in all points which affected Canadian interests, and this Parliament is free to accept or reject the arrangement which has been entered into. What, however, should be constantly borne in mind is that by rejecting the treaty Canada would have placed herself in antagonism not to members of the present Government alone, but to all leading statesmen in England. Prior to the question of consequential damages arising, all parties in England had accepted the treaty with satisfaction. Had we refused to recommend the necessary legislation what would have been our position? We should have placed ourselves in the position of refusing to accept an arrangement which England considered just, and we should have thereby increased the irritation which has long existed amongst the fishermen of the United States. Under such circumstances, is it certain that English public opinion would have sanctioned further protection of our fisheries? and had England declined to send a naval force, would not there be increased aggressions by United States fishermen? Can it be possible that the

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opponents of the Treaty have considered the possible consequences of a refusal to carry it out, especially as its most prominent opponents are loud in their professions of attachment to British connection. I own that from the time that the treaty was ratified I felt that Canada was subjected to a pressure which I deplored but from which there was no escape. It was, in the judgment of the the Government, most desirable to avoid any misunderstanding with England, but at the same time to state frankly and boldly our grounds of complaint. We have been told of late that no question of money should have been introduced into the discussion. I am at a loss to know how the Fenian claims could have been settled without pecuniary compensation in some way direct or indirect (hear). But it is now said that an Imperial guarantee is of little value. The idea of asking money as a bribe was never thought of, but there was a claim on some one for Fenian losses and the Imperial Government recognized the fact that they had incurred a responsibility to Canada on that account. True, the admission was very guarded, and it is very doubtful whether any amount worth consideration could have been obtained. At all events the Dominion Government had not the slightest doubt that the best mode of settling these claims was by guarantee, and they deemed it expedient to announce their intention of proposing the means necessary to give effect to the treaty concurrently with the proposal for a guarantee. Now it is with reference to the value of the guarantee not only in itself, but also as a means of securing the construction of our great public works that I desire to speak. I wish in the first place to endeavour to remove the misapprehension that prevails very generally as to the reduction of the amount proposed by us. Justice has not been done to England, simply because circumstances wholly unforeseen prevented an arrangement that would have been quite satisfactory. It is possible that some may have thought that we would get the four millions without any difficulty. For my own part I never imagined that we would get a guarantee of four millions in addition to the fortification guarantee. I knew that one member of the Imperial Parliament had given it as his opinion that the fortifications guarantee would, if Canada desired it, be transferred to the Public Works. I do not know what others may have thought, some of my colleagues may have thought that we would get the four millions, and the fortification loan also, and my hon. friend the Secretary of

State for the Provinces, no doubt imagined that we should get nothing at all. His dissatisfaction was very great, and I own that I would have felt a great deal more dissatisfaction than I ever have done if I had imagined it possible that the proposition we made would have received an unfavorable reply. Under the circumstances we have no right to complain of the reply, no right whatever. With reference to the question of fortifications I may observe, and I say it, because I know there are some that even yet suppose it would be desirable to erect fortifications, that it makes no difference whatever whether the money is given for public works or for fortifications. If the causes of misunderstanding between Great Britain and the United States should happily be removed, as we all hope they will be, there would be grave objections to the erection of fortifications just after the establishment of friendly relations. If at any future time fortifications should be required they would have to be built with our own means, [hear, hear]. I have said that while the negotiations were going on, circumstances occurred that rendered it simply impossible that either on the one side or the other, the question of fortifications should be touched. I believe that all parties in this House, as well as throughout this Dominion, when this extraordinary demand for consequential damages arose, sympathised entirely with Great Britain (hear, hear). Well, sir, as I am very sanguine, and every day makes me more sanguine that the clouds by which the horizon has been overcast are disappearing, and that all the difficulty which has unfortunately existed will disappear. I have no doubt whatever that we shall eventually get the full amount we desire. Now, sir, I come to the question of the value of this guarantee, and my own opinions differ most widely from any that I have seen in the public newspapers, either on the one side or the other, because I do not think that the value of this loan has been appreciated even by those newspapers which ordinarily support the present Government. I wish to give expression to my own convictions, and, I say, without hesitation that I do not believe there is a loan contractor in Europe or America who would not say that the view I take is correct. Sir, I say it is a complete fallacy to imagine that because at the present time our five per cent debentures and stock are at par, and occasionally over par, when we have had no issue of those debentures for some

years, and we ourselves have been large customers in the market, buying them up for the sinking fund, that if we put \$40,000,000, or 50 per cent of our debt, into the market we could obtain that amount at 5 per cent. We could not do it, and I say unhesitatingly that if we attempted to float a loan to that extent, we should do uncommonly well if we obtained it at six per cent. I ask what would be the state of English credit, great as it is, if Great Britain asked a loan of something like £400,000,000 sterling, or half her present debt? It might be impossible to obtain such an amount, though very large loans have been taken up for France within a very recent period. Hon. gentlemen on the other side must recollect that the customers for Canadian securities were a very limited class, and a very different class from those for English securities or United States securities or the securities of the Great European States. But if we went into the market for \$40,000,000, one half our own, and the other half guaranteed by England, and, with the prestige that England sanctioned our great public improvements, the advantage would be very great, so much so that I am persuaded that under those circumstances we should get our 5 per cent bonds floated at par, and therefore we should be able to float half at 4 per cent, and the other half at 5 per cent, or equal to $4\frac{1}{2}$ per cent on the whole amount. This would therefore make a difference of $1\frac{1}{2}$ per cent on the whole amount of \$40,000,000, equal to \$600,000 a year. I ask whether that is not a desirable arrangement, and whether it is not infinitely better than negotiating a Bill for Fenian claims, and encountering the danger of irritation on both sides, which must arise in the settlement of disputed claims. Well sir I admit that exception may be taken to this calculation on the ground that I base my statement on getting £4,000,000. but though my own opinion is strong on that point, I maintain that even with the £2,500,000 we have made an infinitely better arrangement than we could have done in any other way. According to my calculations I estimate that the total charge incurred as interest on the new debt necessary to construct our great public works, including $\frac{1}{2}$ per cent for sinking fund, will be two million dollars. I must not lose sight of the fact, however, that the first estimate for the Pacific Rail- was \$25,000,000, which was a mere approximate estimate based on an assumed mileage, and that it may have to be increased to \$30,000,000, and taking that increase and the balance of the Intercolonial Loan

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and other items into consideration, it is safe to calculate that the whole amount of contemplated expenditure will give an increased charge of three million dollars. It must, however, be borne in mind that the great improvements of the public works and canals would considerably increase the revenue from those sources. In undertaking works of such considerable magnitude, it is important to see what is the state of the increase of the commerce of the country. Now, sir, that increase is really wonderful. In 1869 our total exports were \$49,320,000, while in 1871 they were \$55,151,000. The aggregate of exports and imports in 1869 was \$116,725,000, in 1871 \$142,098,000, or an increase of nearly 22 per cent. And when we come to the details of the exports, we find them most satisfactory. The produce of the Mines has increased from \$2,093,000 to \$3,221,000; of Fish, from \$3,242,000 to \$3,994,000; produce of the F rest, from \$19,838,000 to \$22,352,000; of Animals and their products, from \$8,769,000 to \$12,582,000, the latter chiefly owing to an enormous increase of exports of butter and cheese. There was a falling off in the exports of agricultural products to the extent of nearly four millions as compared with 1870, and nearly two and a half millions as compared with 1869. This no doubt was to some extent caused by the wheat and flour duties, as while American flour was admitted into Canada free, it was largely consumed in Canada, thus setting a corresponding portion of Canadian flour free to be exported, but when a duty was imposed, the Canadian flour was more largely consumed at home. Then the great increase in the produce of the forests from 19 to 22 millions must be borne in mind, for those branches of industry were very large consumers indeed of the products of the country, and so would tend to diminish the exports. The enormous increase in the exports of butter and cheese seems to indicate that the farmers are turning their attention more to dairy farming than to raising wheat. In offering an opinion however, on such subjects, I do it with the greatest possible diffidence, and rather with a view to elicit information from those much better informed than I can pretend to be. It is very satisfactory to know that the exports of our manufactures are increasing,—in two years there has been an increase of 25 per cent. A large proportion of the increase consists of sugar boxes which are exported to the West Indies. There is also another article which has made most wonderful progress during the last two years, I refer to sewing machines,

Of these the value of exports were \$170,000 in 1871; \$116,000 in 1870; and only \$60,000 in 1869. There was therefore an enormous increase in the two years. There is but one other branch of our export trade to which I shall refer, those articles which are not the produce of the Dominion. These have increased from \$3,855,000 in 1869 to \$9,853,000 in 1871. This is a most important fact, proving as it does the rapid increase of the carrying trade of the St. Lawrence.

Hon. Mr. MACKENZIE. What are the most important items of the increase.

Hon. Sir FRANCIS HINCKS.—I have not charged my memory with these items, but I imagine that iron was one very important item, railway iron, I should say. After the statements which I have made with respect to the charges that may be anticipated upon the revenue for public works, in the course of my explanation, I think that all must admit that it would be very dangerous to reduce the taxation, and we have no measures in this direction to propose, excepting a proposition to be made by the Hon. Minister of Agriculture to take off the capitation tax. This had amounted to under \$40,000 last year, and I have made allowance for it in my miscellaneous estimate. I am very far from saying that the tariff is a perfect one, or that changes might not be made in it with advantage to the mercantile community, but I think that the present would be a most inconvenient time to touch it. You must recollect that the Congress of the United States is in the act of considering changes in their tariff, and severe losses have been sustained by persons in trade owing to the fact of their not knowing of the changes likely to be made. I am told that the tea duties are to be repealed, but I really do not know what to expect. Already the Senate and the House of Representatives have passed bills to exempt tea from all duty. Notwithstanding this it is still doubtful whether any Bill regarding the tariff will pass this Session. I do not hesitate, however, to state that if the duties on tea are taken off in the United States, we must make some readjustment of our tariff, and in the face of the free importation of tea from the United States, we should have to abandon a revenue of something like a million, which we now derive from this source. Under these circumstances we have thought it better not to meddle with the tariff now, although there are several ameliorations in the interest of our manufactures that should be taken into consideration as early as possible. Last year I

took occasion to inform this House that Canada had risen in the scale of countries having commercial transactions with Great Britain from the eleventh to the eighth place, and it now is satisfactory to state that she has arrived at the sixth place [hear, hear], and that with the exception of the Netherlands, there is no country which takes so much of English goods, in proportion to her population, as Canada. With regard to the Netherlands I have been told that a considerable amount of her imports are re-exported. But if we look to other countries in the highest rank, we shall find that Canada takes three times as much per capita as the United States, four times as much as Germany, five times as much as France, twenty times as much as British India, while China and Russia, although the quantities are large, are quite insignificant looking to their population. Now, Sir, I hold that looking at the prosperity of this country, and the vast increase which has taken place in commerce since Confederation, as indicated by the deposits in the savings banks, the increase in railways, etc., it seems to me amazing that there should be a single individual who would desire to change the condition of the country. This is a subject which may be considered as irrelevant to a financial statement, and I should not have alluded to it were it not a fact that most of those persons who are dissatisfied with the institutions of our country are so from dissatisfaction at our not having the power to make commercial treaties. I know that the great bulk of them are extreme protectionists, and the object which they have in view is to endeavor to place our trade relations upon a different basis; which it would be impossible to do so long as we continue our present relations towards the Crown. There is an idea that if we were independent we might enter into more intimate trade relations with the United States, might agree to a Zollverein, by which the goods of each country should be protected by a high tariff on foreign goods, and the complaint is that while we continue in connection with England we have no power to make treaties with foreign powers. All I can say is that we have the power to get every reasonable request that we can make urged with all the power of England; and I need hardly say that that would give us far greater power than we would have if we were independent. We could not expect that England would consent to a tariff that would put the manufactur-

ers of England in a worse position in our market than the manufacturers of the United States, and the knowledge of this fact has led some extreme protectionists to desire independence as the only means of accomplishing their object. It seems strange, however, that it has not occurred to those persons that under the commercial treaty in existence between England and the United States and which provides that the manufactures of England shall be admitted to the United States on the same terms as those of the most favored nations, it would be impossible for the United States to enter into such an arrangement with an independent State, and if this country were independent it would be necessary for her to enter into a commercial treaty with Great Britain which would contain a similar clause. The object then of the advocates of independence is unattainable by the means which they contemplate, and few of them, I hope, are inclined to recommend annexation, any agitations for which would, in my humble judgment, be neither more nor less than a civil war. I have now, Sir, completed my task, and I have to thank the House for the attention with which they have listened to me. (Loud cheers.)

Hon. Mr. MACKENZIE said that the speech of the hon. Minister of Finance necessarily called for some comment from his side of the House. They would recollect that last year the hon. gentleman had told them that the amount of debt which it would be necessary to incur in order to carry out the terms of the union with British Columbia would be \$25,000,000, he had increased it to \$30,000,000 a few days ago, and now he stated \$40,000,000 as the sum for which we should have to make provision in the future.

Hon. Sir FRANCIS HINCKS said most unquestionably, the total estimate for the extension and enlargement of the canals was \$15,000,000.

Hon. Mr. MACKENZIE had not previously observed that that amount was included in the \$40,000,000, however, the estimates for the canals could hardly be considered at present. The hon. gentleman had referred to the means by which the money was to be procured. They had asked the Imperial Government for a guarantee of £4,000,000 sterling, to enable them to carry out these works, and he had taken credit to himself and the Government for making so good a bargain, and the Imperial Government might yet be coaxed into giving the £1,500,000 they at present declined to do. He (Mr. Mackenzie) hoped no ministry would ever again go on

a begging expedition to the Imperial Government. He looked with loathing and disgust upon the course which had been pursued, and he looked upon the result as very humiliating. For some time the Government spoke in the strongest and most offensive terms to the British Government, with reference to our rights of property and the Fenian outrages, and he felt humiliated to think that while the American people were forcing the Alabama claims upon the British Government, we had a stronger claim on the United States for the outrages committed on our frontier, and yet our Government yielded to the policy of the United States. It seemed to him that the Government had looked upon the amount of money to be obtained, as the only consideration. The House was asked to receive an Imperial guarantee of £2,500,000 as payment of our Fenian claims and our rights to the fisheries. There was another claim which would have to be made, which he did not wish to refer to at present. Assuming that the guarantee would amount to \$120,000 a year, he was sure the country would not submit to such humiliation for twice that amount. We are able to pay our debts, and for whatever we require, even should the Imperial Government decline to aid us. It was known that the Imperial Government had set their face against any guarantee, and after asking for £4,000,000 and accepting £2,500,000, the House had been told it was a good bargain, and the Government had come down and asked them to receive that miserable pittance. He could not say how distressed he felt [laughter]. He would not, upon any consideration, be placed in the position of the hon. gentleman opposite, and his colleagues, who had placed the country in so humiliating a position. He regretted that a member of the Government, and another Member of the House should have expressed views which led other countries to believe that the people of this country look to a political change as the only satisfactory means of placing them in a better position. He shared the views of the hon. member for Bothwell, that a political change could only result in annexation to the United States. If in the course of years the people of this country should consider a change in the direction of Independence desirable, he thought it could be achieved without the shedding of one drop of blood. In view of the present large surplus in the Treasury, and the increase estimated for the current year, he regretted that the hon.

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Minister of Finance had not proposed a reduction of taxation upon certain articles that might be mentioned, as he did not see that there was at present any immediate expenditure of a serious kind to be provided for.

Hon. Sir A. T. GALT was sure the House and country agreed in the congratulations regarding the prosperous state of the country. He thought that, looking at the public works which it was proposed to undertake, the Minister of Finance was quite right in not dealing with the surplus. Although he felt sure that there would be a steady increase, he did not think the enormous revenue of the present would continue in future years. He hoped that, taking warning by the past, the country would not be led into more extravagant expectations of the future than circumstances would warrant. He deprecated the partial introduction by the Minister of Finance of the Washington Treaty. He thought it should be dealt with separately, and discussed on its merits. It was not fair to ask the House to express an opinion on only part of an arrangement. With regard to the concluding part of his hon. friend's speech, he (Sir A. T. Galt) thought as he proceeded, that he referred to a political change, but found that his intention was simply to point the finger of scorn at those who did not share the same political opinions as himself. He did not wish to terminate the connection with Great Britain recklessly or suddenly, and he was not prepared to say that we were dependent upon the Imperial Government, but so long as the connection lasted he was prepared to do his duty in all matters concerning the Empire. He proposed certain resolutions last year, and he thought many hon. gentlemen who requested him to withdraw them would now agree that we should have been in a better position to day, had he gone on with them. If the connection with England required that sacrifices should be made by Canada, let the Government come down and ask the House, and they would make the necessary sacrifice. He did not expect to be assailed by the Minister of Finance for holding the views he did. His hon. friend had denounced him as a protectionist.

Hon. Sir F. HINCKS said he referred to that class of persons who are advocating Independence with the special object of having a Zollverein and free admission of American manufactures into this country, and our manufactures into the United States.

Hon. Mr. McDOUGALL was sorry to hear the observations of the hon. gentle-

man opposite in announcing the policy to which the Government were committed. He understood the hon. gentleman to say that it was utterly impossible for the United States to make arrangements with us for the introduction of commodities from that country on any better terms than from Great Britain. He thought there should be some arrangement between this country and the United States for the interchange of certain articles of manufacture, such as stoves, agricultural and other machinery adopted to this country. We should be emancipated from such an arrangement as the present, and negotiations should be entered into with the Mother Country with a view to obtaining freedom in our commercial arrangements.

Mr. JOLY quoted from the Washington Treaty correspondence to show that the Government had not used every measure and exertion possible to obtain a renewal of the Reciprocity Treaty.

AFTER RECESS.

Hon. Mr. BLAKE referring to the remarks made by the Minister of Finance on the subject of the Washington Treaty, regretted that the first Minister who had taken part in the negotiations had not seen fit to explain the events connected with the making of the Treaty, but should have left it to the Minister of Finance to make a sort of apology for the concession made on behalf of Canada. In looking at the financial aspect of the Treaty, he would preface his remarks by saying that he agreed with the honorable member for Lambton that it ought not to be a question of money at all, and he fully agreed with the Ministers of the Crown when they told the Imperial Government that the principle of a money payment was repugnant to the people of Canada. But if it was to be treated as such, if we were to be told that a sufficient price had been paid, then it became material that the figures of the honorable gentleman should be correct. He then entered into an examination of the figures to show that there would be no such difference between the annual charge payable under the guarantee, and that which would be paid if there were no guarantee. In any case it must be remembered that whether we borrowed under a guarantee or not, the country was pledged to repay the loan and interest, and it must be paid. We had to consider, also, that in carrying out the financial terms of the Treaty, it would be necessary for Parliament to take steps to reimburse the Province of New Brunswick in the

sum lost by reason of the repeal of the export duty on lumber. When that was done, it would be found to trench largely upon the profits from the guarantee. He had been told that a reasonable compensation for this loss would be \$100,000. However that might be there could be no doubt that the people of New Brunswick would have to be dealt with fairly, and it would involve a very considerable annual charge. He maintained therefore that the real diminution would fall far short of the amount claimed by the honourable gentleman opposite, so that the rose colored picture which the honorable gentleman had drawn this afternoon upon view of which we were called upon to sacrifice our feelings and sell our fisheries, was far from a truthful one (hear, hear).

Mr. CARTWRIGHT deprecated the mixing up of matters connected with the Treaty in this discussion, the more so as the financial statement made this afternoon was one which all members ought to regard with great gratification. We were all aware that fears had been entertained, when the Confederation scheme was under discussion, that the financial arrangements were likely to be a source of danger to our young nationality, and he, for one, was glad to find that those apprehensions had been more or less frustrated by the extraordinary expansion which had lately attended the commerce and resources of the country. He considered that this was not due to the Government alone, although he was willing to admit that they were entitled to some credit, but that all who supported the scheme of Confederation could also claim such credit. He thought that the Finance Minister had understated the extent of the liability which he was about to impose on this country for the future. The engagements likely to be assumed he stated at \$3,000,000. This represented about \$60,000,000 of capital, but considering the gigantic works that were about to be undertaken, he considered that in naming three millions as the amount likely to be added to the interest on our debt, the honourable gentleman had by no means estimated the probable result. He would again remind the House that the present remarkable expansion could not be expected to continue, as periods of great prosperity were almost inevitably followed by periods of depression; and he had condemned the financial arrangements of the Finance Minister, not because they would cause mischief at the moment, but that they had not made provision for the future disasters which might overtake us. He con-

Hon. Mr. Blake.

tended the large increase in the Customs and Excise during the last three years amounting to \$6,000,000, was not likely to be maintained, it was more likely to be diminished. He considered that it must be attributed in a great measure to the state of things existing in the adjacent Republic. A very considerable portion of our revenue from woollens, silks, satins, &c., was in consequence of the great demand for those articles by Americans in the frontier towns, and he argued that there were peculiar reasons connected with that fact calculated to cause the revenue to increase more rapidly than it would under ordinary circumstances. As he had told the hon. Minister of Finance on a previous occasion, if he had been in Canada during the years between 1857-8 and 1865-6, he would have known that in this country above all others, periods of great prosperity were very apt to be followed by periods of depression, and that it was not wise to judge of the state of the public revenue by calculations made during a time when we were really spending a large amount of our capital.

Hon. Mr. MORRIS did not intend to speak at any great length, but he wished to refer to one or two statements of the leader of the Opposition. It was gratifying to find that that hon. gentleman took so encouraging a view of the position of the country. It was refreshing to hear him stand up and declare that we were in a position to pay our way. Everything was *couleur de rose* from the point of observation to-day. But it had not always been so, for the hon. gentleman was overwhelmed last Session with alarm, and had attempted to excite the public mind of the Dominion in regard to our financial condition. He had stated that the proposed engagements respecting the Pacific Railway would add to the burdens of the country one hundred millions. To-day how the scene had changed. To-day when the Government have informed the House that the British Government are prepared to help us in carrying out great public works he declares that we are too rich to accept such assistance (hear, hear.) The honorable gentleman last session threatened the House with an increase of taxation, in view of the construction of the Pacific Railway and other public works, but this year when we are asking our people to encourage these great undertakings and assist in developing the resources of our country, he attacks the Government because they are not prepared to recom-

mend a reduction of taxation. He (Mr. Morris) had been amused at reading a speech made by the hon. gentleman before Parliament met last year in which he had pledged himself that no matter what Government came into power there would have to be an increase of at least five per cent in taxation. He would quote the words he had then used. The speech was made at London during a pilgrimage through the country and was as follows: He (Mr. Mackenzie) would like to give those present an honest and fair statement of the increase in our public debt, but he would tell them frankly that it was impossible for any man to take up the public accounts and ascertain the amount of that debt. We knew the amount that bore interest in England. We knew the amount of a certain kind of stock that carried interest in Canada; but that was about all. Our debentures of all kinds amounted to nearly 94 millions afloat, but Government knowing that there was an annual deficit, knowing that if they put on taxation to the extent necessary to meet the public requirements they would be called to account—sought to hide our indebtedness. * * * He ventured to say, and he knew he would be able to prove the assertion when Parliament met, that if we were called on to pay all our debts since 1867, we would have to impose a rate of five per cent additional to our present taxation. Whatever Government came into power there was a serious financial difficulty before them, be they what they may." That was the forecast of the the honourable gentleman of the financial condition of the Dominion, and he had heard the reply to-day. He had heard that instead of there being a deficiency since Confederation there had been a steady increase of our revenue, and that now there was a large surplus in existence. He had told the people there that it was impossible for any man to form an opinion of what our debt was, intimating that the Government tried to conceal the true state of the debt; but when he came down to the House, he found out from the public accounts for himself what the debt was. He (Mr. Morris) liked honesty and fair play, but he would ask what sort of honesty it was that represented matters in such a light as that. The member for South Waterloo had also given some attention to the financial position of the country. From a paper published by that honorable gentleman on the resources of the Dominion, it would appear that he had no difficulty in finding out the debt from the accounts. The member for Lambton had told the

people that so great was the embarrassment in our finances, that the Government must come down and add five per cent. to the taxation of the country. But what was the result? Instead of adding five per cent., no less a sum than \$800,000 had been taken off last session, and notwithstanding that, the Government met the House with a large surplus, and with resources to justify them in undertaking the large works necessary in the Dominion. He (Mr. Morris) had thought it right to call the attention of the House to the changed position of the honorable gentleman. Right glad would he be if he found him in the future standing forward with those who desire to consolidate this Dominion. Right glad would he have been if instead of opposing every measure submitted to this House he had endeavored to stand by the party who have the weal and welfare of the Dominion heartily before them. But this pleasure was denied him, for he (Mr. McKenzie) had set his face against every effort to conciliate Nova Scotia, he had resisted the terms for the admission of British Columbia, and had opposed the construction of the Pacific Railway. He had resisted in every case measures that had been proposed and which time was proving to have been in the interests of the Dominion. He [Mr. Morris] would like to see the hon. gentleman with his great talents working with those who hope to make this Dominion worthy of its position as a portion of the great British Empire.

Hon. Sir FRANCIS HINCKS said with reference to the statement of his having unnecessarily introduced the Treaty of Washington into his speech, that it must be admitted that under the circumstances it was utterly impossible for him in making his financial statement to avoid all reference to that Treaty, and with reference to the charges of his having omitted to mention necessary matters he could only say that he had endeavored to confine himself to the financial question as much as possible. As to the expression of regret of the hon. member for Sherbrooke that his resolutions of last year had not carried, that hon. gentleman must admit that they could not possibly have influenced the proceedings at Washington. The Canadian Government had no responsibility whatever in the matter of the Washington Treaty, and he believed the first Minister would have acted in the most dishonorable manner towards the Imperial Government if he had joined the Commission with the deliberate intention of not conform-

ing to the instructions he received from the English Government. There had been a total misconception on this point—there could not be two parties on the English side of the question, and the leader of the Government had been in no way a Canadian Commissioner. As far as the matter affected Canada, Parliament had now full power to deal with it. He then referred to the remarks of the member for North Lanark, on the subject of the West Indies Commission. He was acquainted with the sentiment of the people of British Guiana, and it was only just that he should point out the absurdity of the propositions put forward by some of the people of Canada. The great part of the revenue of British Guiana was derived from duties on a few principal articles, such as flour and salt, fish and others produced in Canada, while a large proportion of the Canadian revenue was derived from duties on sugar, which was produced in British Guiana, and it was therefore impossible to carry out the suggestion that those articles respectively should be admitted into the countries free, without seriously affecting the revenue of both countries. He would now refer to one or two remarks of the member for West Durham, who had alleged that he [Sir Francis] had admitted a discrepancy of views between himself and his colleagues. There was no such discrepancy, for as to the remarks of the hon. Secretary of State for the Provinces, which had so often been called in question, he believed there was no more loyal man in the House than that hon. gentleman, and no one more attached to British connection. That gentleman might have expressed his views strongly, but they tended in an entirely different direction from independence or annexation.

Hon. Mr. HOLTON—He only improved the impossibility from his point of view of continuing the connection.

Hon. Sir FRANCIS HINCKS—Nothing of the kind. There were a number of persons who held opinions in regard to a reorganisation of the Empire, and who believed that better relations might be established by which the colonies would have a larger voice in the conduct of Imperial affairs. He must admit that such sentiments were largely entertained, but he did not believe they could be carried out, and he believed that was the direction in which the remarks of the Secretary of State for the Provinces had pointed. The member for Lotbinière had seemed to imagine that Canada could frame a commercial policy entirely irrespective of the

Imperial Government, and he (Sir Francis) had endeavored in his previous remarks to show how impossible such a course was. As to the remarks of the member for Lennox he did not believe there was any danger of the evils he apprehended. Of late there had not been any great extension, many public works had been promoted, but there had been no large introduction of foreign capital, and there were no indications of the danger against which the honorable gentleman was so constantly warning them.

Hon. Mr. HOLTON said the Minister of Finance having repeated a proposition that the the Prime Minister went to deal with Canadian matters as an officer of the Imperial Government, and with no responsibility to that House, he must say that he held such a statement to be altogether absurd, and in his judgment it was disrespectful to the House that such a grave question should be introduced by aside wind in the Budget Speech. He did not doubt that there had been a direct intention to draw out the House, but it had not succeeded. He would not speak on the matter until the question had been placed before the House by the Prime Minister, but that hon. gentleman would not take the ground of the Minister of Finance.

Hon. Mr. BLAKE rose to explain that his mention of a difference of opinion between the Finance Minister and the other members of the Government had reference to the statement that he (the Minister of Finance) regretted deeply that the First Minister had been asked to join the Washington Commission, and that he regretted that the fishery question had been mixed up with Imperial matters, opinions entirely at variance with the expressed views of other ministers.

Mr. YOUNG referred to the remarks of the Minister of Inland Revenue, and maintained that the statements he had quoted from speeches of the member for Lambton were correct. He quoted from the statistics of the previous years referred to by the member for Lambton to show that there really had been deficits, and that the exact public debt could not be ascertained. He was rather amused to hear the Minister of Inland Revenue claim that last year they had reduced the taxation by \$800,000. For in the first place that reduction was chiefly made by the House, and in the second it had only been put on in the year previous. Though there might be a surplus now no credit was due to the Government, and the secret of the increased revenue lay in the immense importations of foreign goods.

Hon. Sir Francis Hincks.

He regretted that Government should rush into expenditure just as fast as the revenue increased. That increase could not be depended on, and it would probably be found that in years to come the expenditure could not be reduced while the revenue might decrease. He referred to the expenditure each year since Confederation shewing an increase of some four millions in the four years that had expired, while this year a further increase of between two and three millions was proposed. He looked to the future with considerable alarm. As to the statement of the Minister of Inland Revenue that he (Mr. Young) had ascertained the public debt, he might say that the figures were not his, but those of the Auditor General, and doubted whether it would be possible for any one not initiated to find out the public debt from the public accounts. The debt that had been mentioned did not include the debts of the different Provinces, which would greatly increase the amount. At any rate the public debt had of late greatly increased. He referred to the Pacific Railway, and believed that \$50,000,000 would be absorbed in that work, but the amount proposed, \$30,000,000, would increase the public debt to \$157,000,000. The burden now being incurred would in a few years be very deeply felt. He had no faith in the statement that the railway would cause no increase of taxation. He could shew the House a statement shewing how greatly expenditure had increased under the management of the hon. gentleman opposite, and he instanced items in which such increase had occurred, which he considered altogether unreasonable, and stated that the Marine and Fisheries shewed a most lavish expenditure. It had happened on both occasions of the present Finance Minister being in office, that the most lavish expenditure had taken place, and referred to the serious results that he said had followed the action of that Minister in former years, when there had been deficits for seven consecutive years. The hon. gentleman had landed in Canada when an other large expenditure was about to take place, and feared similar serious results.

Mr. WORKMAN [Montreal] had heard the financial statement with very great satisfaction indeed. He had feared that the country was going to be sunk in debt, but the fear had now been removed from his mind. He was glad to hear there was to be no increased taxation, but that the great public works could be carried out on the present taxation, and he was sa-

tisfied with the position the Dominion was assuming before the world. The House and country ought to be proud of the statement of the Minister of Finance, but he trusted the Government would be guarded in the proposed large expenditure. A very great amount of borrowed money was being introduced into the country and difficulties in future years were very possible. He could not but approve however of the proposed canal enlargement which was a matter of the very greatest consequence.

Hon. Mr. TILLEY said there was no doubt that the view of the member for Montreal would be very much appreciated, and that every one would admit that the expenditure should be kept within the means of the country. He maintained that the actual increase of the revenue of the past years since Confederation, taken in connection with what might fairly be counted on in the future, fully justified the proposed expenditure, stating that an increased population of a million during the next ten years, would of itself place an increased revenue of four millions at the disposal of the Government. He believed that the amount named by the Finance Minister as being gained by means of the Imperial guarantee was very much below what would really result. Referring to the hon. member for Lambton, he remembered how the hon. gentleman, two years ago, pointed out the lamentable condition the country was likely to be in, and said some severe things, for which he afterwards apologized, but to-night they had heard him speak of the prosperity of the country, and our ability to carry on any necessary works without the aid of an Imperial guarantee. His hon. friend on the opposite side of the House had referred to the increased expenditure of the Dominion, and stated that the interest on the debt had increased \$600,000 since 1867; but he had not taken into consideration the debts of the provinces assumed by the Dominion since that time. By referring to the comparative statements published, it would be seen that the result was quite different to that stated by his hon. friend. The hon. gentleman complained of the expenditure of the Post Office Department, Public Works and Railways. He would ask how the postal accommodation between the provinces forming the Dominion, particularly the North West and British Columbia, could be improved without increasing the expenditure. A great many miles had been added to the Government Railways, and the increased amount in the

estimates now before the House was to enable them to extend their railway accommodation, and the revenue was in excess of the estimated expenditure. With reference to the increase in the expenditure of the Civil Service, he had explained last year, that the Engineers whose salaries were previously charged against Public Works, had been transferred to the Department of Public Works, and still that department did not show any increase. Similarly the Adjutant General's Department had been transferred to the Department of Militia, and yet the expenditure of that Department was not so much as in 1867. Of the increases last year \$8,000 was the salary of the Lieut. Governor of Manitoba, and \$14,000 for Post offices in the cities of Montreal and Quebec and other places, and by deducting those amounts, it would be seen that there was no increase over the previous year. He would like his hon. friend to point out the figures, and show where they could not be justified; any increase would bear the most rigid investigation and scrutiny. The hon. gentleman had referred to the lighthouse service and the increased cost thereof. He (Mr. Tilley) felt sure that there was no service in the country which would be more cheerfully sustained, and appropriations made for, than that which would light our coasts and make navigation sure, thereby saving risk—and reducing the rates of ocean freightage and insurance. He was satisfied that the revenue and surplus for the next ten years would be sufficient for the execution of the public works foreshadowed by the Minister of Finance. Even if there should be a reaction in the commercial prosperity of the country, the population was increasing at the rate of two and a half per cent, and if the revenue did not increase proportionately, there would still be more than sufficient, with the surplus, to pay the interest on the liabilities and supply the wants of the country. He agreed with the hon. member for Sherbrooke that the Minister of Finance was quite right in not dealing with the surplus, as the country will be in a better position to meet all liabilities promptly, and he could see no fear whatever of difficulty arising out of the undertakings mentioned by the Minister of Finance.

Hon. Mr. MACKENZIE spoke in the strongest language of the Speech of the Hon. Minister of Irland Revenue, and referred to the course which he (Mr. Mackenzie) had pursued with regard to the subsidies to the various Provinces. He did not look with serious apprehension to

any great national calamity, but the financial policy of the Minister of Finance was calculated to bring on commercial depression.

Hon. Mr. CHAUVEAU explained the policy of the new born National Party of the Province of Quebec, and showed that the hon. member for Lambton had given that party a most severe rebuke, having denounced the platform on which all their hopes are based.

The House then went into Committee of Ways and Means, Mr. Street in the Chair—Reported and asked leave to sit again.

Hon. Sir J. A. MACDONALD moved the second reading of An Act to amend the law relating to the fraudulent marking of merchandize. He explained that it was an adaptation of the English Statute on the subject passed in 1862. The reason for the introduction of the Law was that a failure of justice had occurred in a late trial at Montreal where a person had been indicted under the Law as it now stands.

Hon. Sir JOHN A. MACDONALD moved the second reading of the Bill, "An Act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum.

Hon. Mr. MACKENZIE had observed in the estimates, that in addition to the increased expenditure for this service, there were special votes for large amounts, and he moved to know whether such was necessary. He thought the vote of \$45,000 was intended to cover all expenses.

Hon. Sir JOHN A. MACDONALD—In the absence of the Secretary of State for the Provinces, said the vote was intended to cover all the expenses, but that he supposed the additional sum asked for was an exceptional vote for British Columbia.

An Act to correct a Clerical Error in the Act relating to Banks and Banking, and to amend the said Act, was read a second time, and referred to the Committee on Banking and commerce.

An Act respecting the public debt and the raising of loans authorized by Parliament was read a second time.

The House then went into Committee to consider the following resolution which was adopted :

Resolved,—That it is expedient to indemnify the Members of the Privy Council, the Auditor General, and all other officers and persons concerned in the issue of a Special Warrant by His Excellency the Governor General, upon an Order in Council made 17th October, 1871, under the provisions of the 35th Section of the Act 31 Vict., cap. 5, for the advance of the sum of one hundred thousand dollars to meet the expenditure on account of the Expeditionary Force which was or-

Hon. Mr. Tilley.

dered to be sent to the Province of Manitoba, or in the expenditure of \$62,150.72 for the said purpose out of the said sum of \$100,000.00, detailed accounts of such expenditure having been laid before Parliament, and all the requirements of the Act aforesaid in the premises having been duly complied with.

Also,—

A resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the Law respecting the inspection of certain staple articles of Canadian produce, which was adopted.

An Act to amend the Act regulating the issue of Dominion Notes, was reported by the Committee.

House adjourned at 10.30.

SENATE.

WEDNESDAY, 1st May, 1872.

The SPEAKER took the Chair at 3 p.m.

PETITIONS.

Hon. Mr. HAZEN, from Committee on Standing Orders and Private Bills, reported favourably on following petitions:

Of the Western Assurance Company; praying for certain amendments to their Act of Incorporation.

Of the Northern Railway Company of Canada; praying for an Act to consolidate into one lease, the present leases of the Toronto, Simcoe and Muskoka Junction Railway Company, and the North Grey Railway Company.

Of A. G. P. Dodge, of Township of West Gwillenbury, in the County of York, Province of Ontario, and late of the City of New York, praying for an Act of naturalization.

Of Messrs. Gooderham and Worts, and others of the City of Toronto; praying to be incorporated as "The Mail Printing and Publishing Company."

Of the Hon. David Lewis Macpherson and others, of the City of Toronto, and elsewhere in the Dominion of Canada; praying to be incorporated as "The Inter-oceanic Railway Company of Canada."

Of Wm. L. Forsyth, and others, praying to be incorporated as "The Anticosti Company."

Of "The Canada Southern Railway Company," praying for power to construct a Railway Bridge over the Detroit River, at or near the Town of Amherstburg; and also, to construct a Railway Bridge over or a Tunnel under the St. Clair River; that two companies may be incorporated for these purposes, to be called respectively, the "Detroit River Railway Bridge

Company," and the "St. Clair River Railway Bridge and Tunnel Company;" and that the Directors of the Canada Southern Railway Company be the Provisional Directors of the said Companies.

Of George Laidlaw, and others, of the City of Toronto; praying to be incorporated as the Lake Superior and Fort Garry Railway Company.

Of J. McGaw, and others of the Cities of Montreal, Toronto and Kingston, praying to be incorporated as "The Inland Marine and Fire Insurance Company of Canada."

Of R. Jas. Reekie and others, of the Dominion of Canada, praying for the passing of an Act to authorise them to construct a Railway westward, from Lake Nipissing through Fort Garry to British Columbia, with a terminus on the Pacific Ocean, and for other purposes.

DIVORCE.

Committee on Standing Orders and Private Bills having reported that rules had been complied with in case of petition of J. Robert Martin.

Hon. Mr. CAMPBELL introduced a Bill for the relief of same.

Second reading 16th May, when petitioner appears at Bar of House.

PRINTING.

Hon. Mr. SANBORN presented two reports from the Joint Committee on Printing. Consideration on Monday next.

REVENUES.

Hon. Mr. BUREAU referred to the necessity of having, in accordance with the notice which he had given for an address, a detailed statement of the revenue arising from duties of Customs and other revenues of every kind proceeding from each of the Provinces of the Dominion of Canada, from the Union, or from the admission of the Province into the Union, until the 30th June, 1871, and of the expenses of collection of such revenues, distinguishing the articles imported and exported and the duties paid thereon, in each of the said Provinces, from the said dates to the 30th June, 1871, and the corresponding expenses of collection of such duties to the said date. He then withdrew his motion.

GEOLOGICAL SURVEY.

Hon. Mr. MACFARLANE asked whether the Report of the Geological Survey will be submitted to Parliament and when?

Hon. Mr. CAMPBELL—In a few days.

FISHERIES.

Hon. Mr. HAZEN asked: What was the expenditure incurred by the Dominion Government in protecting the Fisheries during the last season, and whether they can form any approximate estimate of the expenditure of the Home Government for the like service?

Hon. Mr. MITCHELL replied: The estimated cost of the Marine Police for the protection of the Fishery was during the past year about \$84,000. With regard to the second branch of the question as to whether Government can form any approximate estimate of the expenditure of the Home Government for the like service, he stated that he could not give any reliable data on which to estimate the cost of such service but he is satisfied that it must amount to several hundreds of thousands of dollars.

ANNUITIES.

Hon. Mr. WARK moved that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause such measures to be taken as will enable the Minister of Finance to convert into Life Annuities such portions of the Public Debt as may, from time to time be found necessary to meet the requirements of persons seeking such means of investment. In making the motion he stated that he had known very many persons, men and women well advanced in years, widows and orphans, and others, suffer heavy losses on account of the mismanagement and dishonesty of persons to whom they had entrusted their moneys, and he thought it very advisable to establish the system in question, which would afford a fund where parties could find a safe investment. It was now sixty years since the system had been established in England, and it was now working admirably, although some losses were sustained at the outset by the Government, on account of the trickery of stock jobbers; but such result need not be feared in this country, as the operation of the law could be well guarded.

Hon. Mr. CAMPBELL replied that the Minister of Finance had now the power to make the provision in question, and intended offering some amendments in the same direction during the present session. Under these circumstances, the hon. gentleman would probably consent to withdraw his motion.

Hon. Mr. WARK consented.

Hon. Mr. Hazen.

IMMIGRATION.

Hon. Mr. CAMPBELL introduced a Bill to provide for the incorporation of Immigration Aid Societies.

PUBLIC LANDS.

The Bill in reference to the above subject was deferred until Monday next, French copy not being ready.

LARCENY OF STAMPS.

On motion of the Hon. Mr. CAMPBELL, the Bill in reference to Stamps was read a third time, and sent back to the House of Commons.

The House then adjourned.

HOUSE OF COMMONS.

WEDNESDAY, 1st May, 1872.

The SPEAKER took the Chair at 3 p.m. Several petitions were read.

Hon. Mr. MACKENZIE desired to present what was scarcely a legitimate petition. He had been sent a petition from Fort Garry by telegraph. It was from several persons who had been imprisoned during the rebellious troubles. It stated that Dr. Schultz had been rewarded for his losses at the rate of \$10 a day, while they were only offered \$2. They prayed for an enquiry into their losses.

By Mr. FERGUSON—Petition of the Huron and Lake Erie Canal Company.

Of the Toronto Corn Exchange praying for a line of steamers to open up trade to Halifax in Nova Scotia.

By Mr. SHANLY—For a Railway to connect Ottawa with Montreal.

Of the Chairman of the Board of Commerce, Greenock, Scotland, &c., praying for certain measures to prevent the desertion of seamen in Canada.

A Petition was read from Major Bernard, of Douglastown, District of Gaspé, Province of Quebec, stating that he was literally dead, and praying for a pension. He (Major B.) had been injured, was sorry to succumb, but necessity knew no law, his shoulder had been dislocated, his ribs broken, and his memory affected. He hoped he would not meet with the reply of "no friends" (great laughter). He had lately lost two situations because he was unable to keep them.

Mr. JONES (Halifax) introduced a Bill to assimilate the law of Nova Scotia with those of other parts of the Dominion in respect to interest.

Mr. WORKMAN moved, in absence of Mr. Ryan, member for Montreal West, for

leave to introduce a Bill to incorporate the Anticosti Company.

Hon. Mr. ABBOTT moved for leave to introduce a Bill to incorporate the Canada and Newfoundland Sealing and Fishing Company.

Hon. Mr. LANGEVIN submitted a report relating to the accident on the Windfor and Halifax Railway and other matters.

QUESTIONS BY MEMBERS.

Mr. BENOIT—Whether it is the intention of the Government to place funds at the disposal of the Honourable, the Minister of Agriculture, for the purpose of causing to be held an exhibition of cattle, agricultural and horticulture produce, and objects of art invention; &c., from all parts of the Dominion for the year 1872.

Hon. Mr. POPE.—It is not the intention of the Government to do so.

Mr. BENOIT—Whether it is the intention of the Government to make to the Boards or Councils of Agriculture in each Province, or to Agricultural Societies, grants of money which will enable them to promote the progress of Agriculture throughout the whole Dominion?

Hon. Mr. POPE.—It is not the intention of the Government, although strongly sympathizing with everything calculated to advance the progress of Agriculture, to do so?

Mr. CURRIER—When the Return to Address of 4th May, 1870, for a return of the names, origin, creed, position, and pay of the employees of the Dominion Government will be laid before the House?

Hon. Mr. MORRIS—Either this week or beginning of next week.

Mr. DELORME (St. Hyacinthe) — Whether it is the intention of the Government to take any steps towards preventing the emigration of Canadians to the United States, by holding out such material advantages as will induce Canadians to remain in their own country?

And,—

Whether it is the intention of the Government to take more effectual means to encourage Canadians who have emigrated to the United States to return to Canada, and whether one of such measures is to set apart out of the amount voted for immigration the greater part of that sum for this purpose?

Hon. Mr. POPE.—The Government were doing everything in their power to induce emigrants from the United States and everywhere else to come to Canada?

Mr. BOLTON—Whether, under Article Eighteen of the Treaty of Washington, United States fishermen will be expected to be governed, when fishing in Dominion

waters, by municipal or other regulations establishing close time for the protection of spawning grounds, or other protective measures for the preservation of the fisheries?

And,—

Whether, under the Twenty-first Article of the Treaty of Washington, the fish and fish oil that are proposed to be admitted free of duty into the United States are meant to be only what are produced within the limits of the Dominion, or of fish caught by the subjects of the Dominion outside of the three mile limit, will be considered the produce of the Dominion fisheries, and admitted free of duty?

Hon. Sir JOHN A. MACDONALD would be obliged to his hon. friend if he would postpone these questions until after the discussion on the Washington Treaty.—Postponed.

Mr. FOURNIER—Whether it is the intention of the Government to take under its control the wharves built upon the St. Lawrence, below Quebec, by means of loans from the Municipal Loan Fund, and to relieve the Municipalities from the debt which they have contracted in erecting the same?

Hon. Mr. LANGEVIN.—The matter had engaged the attention of the Government, but no decision had yet been arrived at.

Mr. LAWSON—Whether it is the intention of the Government to place a sum in the Estimates of the current year for the purpose of opening Big Creek (in the County of Norfolk), into the water of Lake Erie, for a Harbour of Refuge, in accordance with the petition to His Excellency the Governor General of R. Abbott and 200 others?

Hon. Mr. LANGEVIN.—It was the intention of the Government to have the matter of opening up of Big Creek inquired into by a competent engineer.

Mr. KEELER—Whether the lands of Presqu'Isle Peninsula and High Bluff, in the Township of Brighton, are the property of the Dominion, and if so, is it the intention, either to sell, or lease, with right of cutting wood for fuel and fencing, to the present occupants as prayed by their petition of recent date?

Hon. Dr. TUPPER—These lands were obtained for light-house purposes, and it was not consistent with the public interest that any part of them should be either sold or leased.

Mr. MASSON, (Soulanges)—Whether it is the intention of the Government before commencing the works for the enlargement of the Canals of the Dominion to have a thorough examination made by competent Engineers of the North shore

of the Coteau Rapids in the Counties of Soulanges and Vaudreuil in order to ascertain if it would not be less costly and more advantageous in a commercial and strategic point of view to build a new canal to the North of the said Rapids in preference to enlarging the existing Beauharnois Canal, the building of which on the South shore of the said Rapids has been the cause of so much outlay and damage to property, outlay and damages, which if they continue, will, with the addition of the cost of enlargement, far exceed the cost of building a new canal on the North shore of the Coteau Rapids?

Hon. Mr. LANGEVIN—It will be taken into consideration by the Government.

Mr. OLIVER moved for the correspondence relating to fees charged by American officials on goods and produce passing through the United States in bond. He stated that these charges were so heavy that it was almost impossible to send goods either to Europe or to the Maritime Provinces in bond, and it also operated very much against shipments to the United States, while at the same time the products of the United States passed through the Dominion without any fee or charge. He thought some steps should be taken by the Government to remedy the evil which was complained of in all parts of the country.

Mr. DE COSMOS said the question was one in which British Columbia was specially interested, as they imported largely from Great Britain via San Francisco and Panama. He understood that the charges alluded to were very exorbitant. The pack trade along the frontier was at times compelled to cross the border, when they had to crave indulgence and assistance from the Custom House officers, often causing great expense. He hoped the Government would take up the matter in order that the charges might be made as low as possible. This was the more important in view of the large trade that was expected between British Columbia and the Dominion.

Mr. GIBBS was glad that the subject had been brought before the House as it was a very embarrassing one to the country. In many instances the consular charges were so great that they amounted to a large tax upon some articles, such as coarse grains. He had no doubt that in the arrangements connected with the Washington Treaty this matter had received attention.

Mr. CURRIER was also glad that the question had been brought up, and hoped the Government would be induced to take steps to remove the grievance. It applied

more especially to the lumber trade than to any other, as the charges imposed on each barge load of lumber sent to the United States were enormous. He had not the details before him, but they amounted to a heavy tax upon the trade.

Mr. WHITE also represented the great inconvenience caused to the lumber trade, between Georgian Bay and the United States, in having to obtain the necessary consular certificate before the lumber could be shipped.

Mr. WORKMAN would like to say a word for the merchants of Montreal (hear, hear, and laughter.) The inconvenience and annoyance had been very great. The present Consular Agent at Montreal was not, however, so exacting as some of his predecessors, and consequently there was not the same amount of expense and trouble, but in view of the large trade which was expected to spring up with British Columbia he thought the Government should make an effort to remove the grievance.

Mr. MERRITT would call attention to another point Canadian vessels trading on Lake Michigan were obliged to call at the first American port, and obtain a Consular certificate. The delay caused by this was a great tax on the trade.

Mr. HARRISON would, as the hon. member for Montreal had done with regard to that city, say a word on behalf of the merchants of Toronto (hear, hear.) He thought that something should be done to regulate these charges on goods in bond and to bring them down to the lowest possible amount. At present he believed there were no regulations on the subject, and it was important, in view of the arrangements under the Washington Treaty, that some correspondence should take place between the Government of Canada and that of the United States, in order, if possible, to do away with the grievance.

Hon. Mr. TILLEY said that it was quite apparent that it would be a very popular arrangement if the Government could succeed in obtaining a relaxation of the charges imposed by the United States. He might say that he was not very sanguine of success, because on other points the Government had found it exceedingly difficult to obtain the desired concessions. The difficulties were not confined solely to the charges made by the Government of the United States, but included charges made by persons who gave their bonds (Express companies, for instance), and became personally responsible. The correspondence, if there was any, would be

Mr. Masson.

brought down, and if the Government found they could accomplish anything in the matter, they would certainly do so.

Hon. Mr. MACKENZIE said that whatever took place at Washington last year on this subject should be known to the House. He was sure that it could not have escaped the attention of our Commissioner.

Mr. CARTWRIGHT moved the House into Committee of the Whole to consider the following resolutions :

1. *Resolved*,—That this House regrets to learn that Her Majesty's advisers have seen fit to assume the responsibility of withdrawing the claims of the Dominion of Canada, against the United States, for compensation on account of injuries arising from the Fenian raids.

2. *Resolved*,—That this House cannot but feel that the proposal to indemnify the people of Canada, whether directly or indirectly, at the expense of the English taxpayer, for wrongs committed by subjects of a foreign State, is impolitic, both in itself and as tending to produce just dissatisfaction in the Mother country, and furthermore that such a course of action is likely to operate as a direct incentive to renewed outrages, inasmuch as it is notorious that the above mentioned raids have arisen rather from feelings of hostility to the Imperial Government as a whole, than from any special animosity to the inhabitants of this Dominion.

3. *Resolved*,—That taking into consideration the circumstances under which these inroads were committed this House is apprehensive that the refusal of the British Government to press these claims is calculated to encourage the people and Government of the United States, in the belief that the due discharge of their international obligations towards the Dominion of Canada is a matter of comparative indifference to Her Majesty's Imperial Cabinet.

Hon. Sir JOHN A. MACDONALD asked that the motion might stand till Friday, when the Bill would be introduced and the whole matter would be before the House.

Mr. CARTWRIGHT said that in consenting to the suggestion, it was on the understanding only that if anything prevented his motion being dealt with on Friday, he should take the earliest opportunity afterwards of proceeding with it.

• DAILY MAIL IN JOLIETTE COUNTY.

Mr. GODIN moved an address for copies of petitions, correspondence, &c., relative to the establishment of daily mail service between certain places in the County of Joliette.—Carried.

NOVA SCOTIA ELECTRIC TELEGRAPH CO.

Mr. CHIPMAN moved to refer the petition of the Nova Scotia Electric Telegraph Company to the Standing Committee on Railways, Canals and Telegraphs.—Carried.

RIVERS THAMES AND SYDENHAM.

Mr. MILLS moved an address for copies of all plans, reports, specifications and

contracts relating to the improvement of the navigation of the Rivers Thames and Sydenham since 1867. He referred to discussions on the subject a few years since, when Government had held that small tributary streams were under control of the local Government, but Government afterwards divided the streams of the country into classes, one class being under control of the Dominion Government alone and another class consisting of streams, among which were the Thames and Sydenham, was to be improved on condition that certain sums were contributed by the Local Government. Obstacles had now formed in the rivers in question and he desired to ascertain the action of the Government.

Hon. Mr. LANGEVIN said the mover had spoken of correspondence but had not mentioned it in his motion.

Mr. MILLS had asked for what he wanted.

Hon. Mr. LANGEVIN was not prepared to give an immediate answer in the matter, and desired the questions asked might be put on notice paper. He did not think the plans, &c., were in his Department.

Mr. MILLS said the Government had had a money grant and expended it, and he could not understand how they could have done so without plans and specifications.

Hon. Mr. BLAKE said the Government had asked a vote, and if they had done the work there must be some plans and specifications.

Hon. Mr. MACKENZIE recollected that when the vote was taken he had asked how the money was to be expended, the amount being \$2,400, and had been informed that the Local Government would give a similar amount, and the Dominion Government would then expend both sums.

Mr. RUFUS STEPHENSON said that the Local Government having refused to undertake the work, application had been made to the Dominion Government, and the then Minister of Public Works consented to put a sum in the estimates provided a like amount was made up from some local source. That amount had been made up, and tenders were then advertised in Ontario, but no one would undertake the work at the amount named. Mr. Brown, however, afterwards consented to do as much as possible for the amount granted, which was allowed to be done, but there were no papers other than those he himself had obtained from the Local Government. As to the Sydenham a vote had been obtained last year and

the work was going on now. The member for Bothwell had stated that the obstruction in the Thames was as great as ever, thus conveying the idea that the money expended upon removing it had been expended to no purpose, and he had studiously avoided all mention of the fact established by recent survey made by Mr. Molesworth, under orders from Mr. McKellar, Commissioner of Public Works for Ontario, that the water on the bar at the mouth of the river was this year 2 feet 3 inches lower than during the period of navigation last year. To fortify this statement, he (Mr. Stephenson) had in his possession a copy of the survey made by Mr. Molesworth, and also that gentleman's report to the Commissioner of Public Works, both of which had been kindly supplied to him by Mr. McKellar on his personal application. With reference to the statement that Sydenham and Thames were under the jurisdiction of the Dominion Government, he (Mr. Stephenson) had contended all along that they were under that jurisdiction, and it would probably be remembered by the House that when the item of \$2 400 had come up for consideration last year, the hon. member for Lambton had risen in his place, and questioned the propriety of voting it. That hon. gentleman presumed it had been put in the estimates, in order to satisfy the member for Kent, who was known, he said, to be a servile supporter of the administration; but while he did not question the necessity for the improvement at the mouth of the River Thames, he held that if Government made an appropriation in that instance there were a hundred other rivers in the country equally entitled to consideration. However, notwithstanding these statements of the hon. member for Lambton, the appropriation had been made, and the wisdom of Government in making it was fully verified since by the great benefits that had accrued from this work of improvement (hear, hear).

The motion was then carried.

BUREAU OF IMMIGRATION.

Mr. LAWSON moved an address for a return of the names of all persons who have been appointed by the Government of Canada as agents or other employees of the Bureau of Immigration since the 1st January, 1869, date of appointment, place where stationed, amount of salary or other remuneration paid each, and the instructions issued to such Agents or employees.—Carried.

Mr. R. Stephenson.

PASPEBIAC HARBOUR.

Mr. ROBITAILLE moved an address for the correspondence, &c., respecting Paspebiac harbor.—Carried.

HAMEL ET FRERES.

Mr. PELLETIER moved an address for the correspondence respecting the seizure of merchandise by Customs authorities belonging to Joseph Hamel et Freres, Quebec.

Hon. Mr. TILLEY said there would be no objection to bring down all the papers. The seizure consisted of some articles of jewellery which were found in a trunk of the junior member of the firm, and which he had brought from England from friends and which were not reported at Portland.

Hon. Mr. LANGEVIN repeated the explanation in French; in the course of which

Hon. Mr. HOLTON objected—that the French translation contained much more than had been said by the Minister of Customs.

Hon. Mr. LANGEVIN said his statement and that of the Minister of Customs were substantially the same.

Motion carried.

IROQUOIS INDIANS.

Hon. Mr. HOLTON moved address for correspondence respecting conduct of Iroquois chiefs at Caughnawaga. Carried.

STEAM FIRE ENGINES.

Mr. STEPHENSON moved address for statement of steam fire engines imported into the Dominion during the years 1870 and 1871. He said that manufactures of fire engines had been commenced in Canada, but Americans had used every effort to break down the Canadian manufacture, by bringing engines to Canada and selling them and offering them for sale at lower prices than those at which they could be obtained at the place of manufacture in the United States. More effectually to carry out their designs antagonistic to Canada these Americans had represented that parties purchasing engines from them would not be compelled to pay duty and that if they did pay it Government would allow them a drawback. Now, he disbelieved Government had acted so unfairly in the face of the tariff propositions they had made, and he thought it necessary in order that the truth might be known that these papers should be produced.

Hon. Mr. TILLEY said he had no objection to the motion, and the hon. gentle-

man would find when the papers came down that they were entirely satisfactory.

The motion then carried.

CHAS. COTE

Mr. FOURNIER moved an address for the correspondence relating to the non-payment to Chas. Cote of the amount awarded to him by the official arbitrators. Carried.

SUPERANNUATION.

Mr. JOLY moved the House into a Committee of the Whole to consider the following resolution :

"That considering the Superannuation Fund is raised entirely out of the compulsory contribution taken from the salaries of public officers, it is just that the whole of the Fund should be consecrated to the use and benefit of the said officers by applying it, first to their personal relief, according to law, and (if any surplus be left after payment of their superannuation allowances) to the relief of their widows and orphans."

He thought he could satisfy the House that his motion was just and fair. He referred to the returns that had recently been laid before the House which showed that on the 31st March last there was a balance to the credit of the Superannuation Fund of \$50,630, while the amount required for the payments out of the Fund yearly was \$42,000, leaving a large balance not required. As that fund had been raised by forced contributions from the salaries of public officers, it was only fair that those public officers should reap the benefit. The amount required for the payments would never exceed the amount he had named \$42,000. He had taken the trouble to count the number of officers liable to contribute to the Superannuation Fund, and it amounted to 1392. It appeared from the return before the House, that there were 133 officers superannuated or one in ten of the whole number. These however formed the arrears of a great number of years, and, therefore Government would never be called upon to superannuate so large a number again. He then referred to the estimates for the year ending June, 1863, which stated the sum to be appropriated on account of superannuation to be \$41,300, leaving a balance of 8 or 9 thousand dollars, and confirming his statement that the expenditure would not increase. Under these circumstances he maintained that the proper way to dispose of the annual balance would be to pension widows and orphans of deceased public servants and he hoped the Government would not object to let the House deal with the matter,

and that the House would sustain the view he had taken.

Hon. Sir FRANCIS HINCKS said the the legislation on this subject was experimental, and he had never been able to say definitely whether the rate now paid on account of superannuation was the exact rate that should be paid,—but, if it should prove that 4 per cent was too high Government and Parliament would be quite ready to reduce it. He entirely dissented from the opinion that it was expedient to divert any portion of the fund to the relief of widows and orphans. It was not the business of the Legislature to provide a fund for that purpose. Members of the Civil Service had the same power to provide for their families by life insurance as any other class, and the object of the Superannuation Fund was to enable the Government to insist upon the retirement of any officer who might become incapable of discharging his duty, with a proper provision for his support. Individually he would have been exceedingly glad to have proposed to provide for superannuation without a reduction of salaries, but he considered it impossible to obtain the sanction of the House to a change in the Revenue on account of Superannuation.

Mr. JOLY said his proposition was merely to apply the surplus to the advantage of those who had raised the fund.

Hon. Sir FRANCIS HINCKS said he perfectly understood that, but if the amount collected was too great the proper mode of relief and that most acceptable to the public servants themselves would be to reduce the rate. He considered however that the proposition was premature, and hoped that after the House had discussed it, it would be withdrawn.

Hon. Mr. HUTCHISON said a pension had been given to a person in his locality who had only been in the service 4 years and had never contributed to the fund.

Hon. Sir F. HINCKS was quite sure the hon. gentleman was mistaken.

Hon. Mr. HUTCHISON said he was not mistaken. The person had been put into the office when over 70 years of age, and was paid a salary to the end of June, while his pension began on the 7th June. He also referred to an appointment of an immigration agent, who, he stated, had never encouraged a single immigrant. He attributed all this to the Minister of Marine and Fisheries, who, he said, had been sent down to oppose both himself and Mr. Anglin in their elections, but who had received a rebuke. He might come down again if he wished, but in that case he would receive a stern rebuke. He agreed

with the member for Lotbiniere that the number of officers superannuated should never exceed one per cent. of the entire number, and that the widows and orphans ought to receive the benefit of any surplus, or failing that, the rate ought to be reduced.

Hon. Sir FRANCIS HINCKS said the hon. gentleman had used very strong language, practically imputing fraud to the Government. He had stated that Government had placed on the pension list a gentleman who had only been four years in office. The fact was that that gentleman had only been four years on salary, but for some fifteen or sixteen years previously he had been in the public service, but paid by fees.

Hon. Mr. MACKENZIE: Does the Finance Minister say that the Superannuation Fund applies to gentlemen paid by fees?

Hon. Sir FRANCIS HINCKS said he was mistaken in saying fees, the gentleman was paid by commission, but the time of being pensioned was on salary.

Hon. Mr. MACKENZIE said fees and commission were practically the same, and any one receiving them had no claim to superannuation.

Hon. Sir FRANCIS HINCKS said when he had stated that the gentleman had not been paid after four years service, it was because from his own knowledge of the working of his Department he knew such a thing to be impossible. He had since learned that the person in question had been in the public service something like twenty years, but that formerly his emoluments had been derived from commissions, while at the time of superannuation he was on salary.

Hon. Mr. ANGLIN denied that the gentleman in question could be held to have been in the public service. He had merely been employed to superintend the building of light-houses, for which service it was customary to pay commissions, but that in fact he was a shipbuilder.

Hon. Sir GEO. E. CARTIER said that Confederation provided that officers in the different Provinces employed in the discharge of duties connected with the Dominion should become officers of the Dominion, and their former services had to be taken into account in matters of pension.

It being six o'clock, he moved, seconded by the Hon. Mr. MACKENZIE, the adjournment of the House.

Hon. Mr. HUTCHISON said if he had used any unparliamentary expressions he desired to withdraw them.

Hon. Mr. Hutchison.

After some objection by Hon. Mr. HOLTON and Mr. BODWELL—the House adjourned.

SENATE.

THURSDAY, 2nd May, 1872.

The SPEAKER took the Chair at 3 o'clock, p.m.

PRINTING.

Hon. Mr. SANBORN asked that the order of the day, consideration of the second report of Printing Committee be discharged, as it only referred to a matter of arrangement between the Committee and their Clerk.

EXPLANATION.

Hon. Mr. LETELLIER DE ST. JUST asked an explanation from the Minister of Marine and Fisheries, respecting the superannuation of Mr. Harley, Light-house Inspector, New Brunswick.

Hon. Mr. MITCHELL replied that he was glad that the opportunity had been afforded him of giving an explanation respecting a matter which has been brought up elsewhere, with the object of reflecting on his conduct as a public man. Briefly stated the charge was that he had placed an officer, of seventy years of age, in a public position during 1867, and had superannuated him last year in order to appoint his brother to the same office. Now, he would inform the House that prior to Confederation the practice of conducting the Light-house service differed in the several Provinces. In Nova Scotia there was an Inspector; in Canada, it was conducted under direction of Trinity House; in New Brunswick, by Boards of Commissioners, one for the North Shore, and the other for the Southern or Bay of Fundy side. Those two Boards were composed generally of men who looked after the lights, and charged 10 per cent. commission on supplies furnished. In 1851 Mr. John Harley was on the Commission—here the hon. gentleman read from the *New Brunswick Gazette* Up to 1867 he held that position. At the time of his appointment he was a gentleman of large experience as a shipbuilder, and was held in great esteem wherever he was known. Subsequently, however, by the force of circumstances he was reduced to poverty, and remained so at the time of Confederation, when the light house service was placed under charge of the Department of Marine and Fisheries. He (Mr. M.) after due deliberation came to the conclusion that the system in operation in

Nova Scotia was the best to adopt—of having a paid inspector to inspect the light houses, make the necessary report of the supplies, and assume a responsibility to the Government. He selected Mr. Harley out of the three Commissioners as the best man to fill the position, on the ground that he had always been the chief executive officer, and was in every way highly qualified for the office. During his life time Mr. Harley had opposed the party with which he (Mr. Mitchell) had always been associated, and supported that with which Mr. Hutchison was connected. He was a man of energy and exercised much influence in the district where he lived. But he (Mr. M.) felt that he would be wanting in his duty to the public were he to take into consideration anything except the ability of that gentleman to discharge the trust confided to him. When the appointment was offered to him, Mr. Harley confessed that his living would depend on it for he was no longer in affluent circumstances. Mr. Harley received the appointment and continued to discharge it up to 1870, when his health began to fail, for he was afflicted with two serious complaints, either of which made it actually misery for him to travel to remote places, at all times and in all manner of ways. Mr. Harley wished to resign, although his means of livelihood were at stake; but, Mr. Mitchell persuaded him to remain for some time longer, with the hope that his health would improve. He held it for six months, but instead of becoming better, he got worse, even with all the care he exercised. Again he reluctantly tendered his resignation—here Mr. Mitchell read the letter of resignation. Mr. Harley held the office, at his personal solicitation, for some eight or nine months longer, but when the spring came he found he was incapacitated from discharging his duties—he was then 75 years of age—and the result was that the Department unwillingly consented to lose the services of an able public officer. He then looked into the question, and came to the conclusion that Mr. Harley had been over 19 years in the public employment, and was entitled to superannuation on a 20 years' service. He represented the fact to the Council in a report which he read to the House. He read the Act to as applying not only to the inside, but the outside services, and believed Mr. Harley was entitled to twenty-fiftieths of his salary which was at that time \$1,200. The matter was referred, in accordance with the usual practice, to the Treasury Board, where for the first time, the question was raised

whether persons who had been in the public service for 30 or 40 years, receiving only commission or fees, and subsequently received a regular salary, were entitled to superannuation on the whole period, or merely for that term when they were salaried. Mr. Mitchell read from the Superannuation Act in support of his view of the case, contending in particular, that under the 9th section Mr. Harley was clearly entitled to come in; also from the regulations made subsequently in elucidation of that law. The 9th section specially referred to persons employed "in the outside service of the said departments," and "to service in an established capacity in any of the public departments of the Government or offices of the Legislatures of any of the Provinces." In the regulations established for guidance in all cases under the law, the agents of the Department of Marine and Fisheries, as well as inspectors of lighthouses, were specially mentioned. The Treasury Board, he regretted to say, did not come to altogether the same conclusion he had—they doubted whether such an officer should be ranked as having had twenty years' service; of the four years since 1867 of course there was no doubt whatever. They agreed, finally, to give him ten years' service, and he was accordingly placed on the superannuation list at the small pittance of some \$216 a year. Yet he (Mr. Mitchell) had been accused before the country of having placed a man on the Superannuation Fund when he had no claim to such consideration. If a man in the position of Mr. Harley had no right to receive a retiring allowance, then there was no use whatever in the Superannuation Act. As respects his successor, it was true he was a relative of his own, but he was known to be a man of respectability and influence, and was able to teach that gentleman who had so unwarrantably made the accusation in question. He would not descend to the scurrility which had accompanied the charge, but he would say that the house with which that gentleman was connected had had the supplying of the light houses for 20 years and received just such prices as they wished; and it was therefore not difficult to understand why he felt aggrieved that the means of continuing the same state of things were no longer available for him. Before sitting down, he (Mr. M.) asked permission to refer to another matter which was also to be brought up elsewhere, and in connection with which the hon member for Grandville (Mr. Letellier) had placed a notice on the table

that day. If those charges were true, then he was unfit to occupy his present position.

Hon. Mr. LETELLIER DE ST. JUST deprecated any explanations at that time, as not in the interest of the hon. gentleman, it was advisable to defer them until the motion came up in due form.

Hon. Mr. MITCHELL would not go into the question, after the hon. gentleman had so kindly expressed a wish to defer the discussion. He would simply say that there was not a shadow of truth in the charges made against him. He could satisfy the House and country that those charges are baseless and malicious; and if the hon. member elsewhere dared to assert them again he would be ready to meet them.

TRANSLATIONS.

Hon. Mr. BUREAU offered a few explanations in reference to the mode in which the translators of the House performed their duty, on account of an allusion having been made on the previous day to some delay in the translation of the bill concerning public lands. The fault did not lie with them, the alterations made from time to time in the bill had delayed the translation. The translators performed their duties most satisfactorily in the opinion of the French members. The work had never been more efficiently performed than it was at present.

The House then adjourned.

HOUSE OF COMMONS.

THURSDAY, 2nd May, 1872.

The SPEAKER took the chair at 3 p.m.

ROUTINE BUSINESS.

Hon. Mr. CHAUVEAU presented a petition from Quebec Board of Trade, asking that logs might be permitted to float down the Ottawa without being rafted.

Hon. Sir GEO. E. CARTIER moved to introduce an Act to amend the Act relative to the Statutes of Canada, from the Senate.

Hon. Mr. CHAUVEAU moved for a Bill to amend the Act to detach the parish of St. Felix from the County of Portneuf.

Hon. Mr. POPE submitted first report of Colonization Emigration Committee, recommending that the quorum of said Committee be reduced to nine members.

Mr. HARRISON submitted a motion relative to Criminal statistics.

Hon. Mr. Mitchell.

Mr. HARRISON introduced a Bill for the more speedy apprehension of fugitive criminals.

Mr. CARTER moved for leave to introduce a Bill to abolish assignments in favor of preferential creditors.

Hon. Mr. MACKENZIE did not understand the matter. It seemed to him to come within Provincial jurisdiction.

Mr. CARTER said it was virtually an Insolvency Bill, and although he did not recollect the chapter, was in accordance with an English Act passed in the reign of William IV.

Hon. Mr. HOLTON thought the matter was outside of the jurisdiction of this House.

Hon. Sir GEO. E. CARTIER feared that the member for Chateauguay was somewhat at fault. He should not quarrel merely with the title of a Bill.

Mr. CURRIER complained of a short supply of some pamphlets concerning some facts concerning the Treaty of Washington.

Hon. Mr. DORION thought that previous to the discussion on the Treaty every possible information should be furnished to the House.

Mr. BROUSSEAU explained that the printing had been somewhat delayed, but that the documents alluded to would be submitted to the House to-morrow.

Hon. Sir GEORGE E. CARTIER said that the more information there should be before the public concerning the Treaty of Washington the better the House would understand the matter. It was the most important matter to be considered during the session.

Hon. Mr. MACDOUGALL thought that double the usual edition ought to be printed of such an important document, as that relating to the Treaty of Washington.

Mr. FERGUSON, after some discussion had taken place with regard to the number of copies, thought that six copies would be scarcely sufficient. He thought however, that everything was to be done by the press of the country. It was for the press to disseminate the necessary information.

Hon. Mr. MACKENZIE said that this House could not instruct a Joint Committee of both Houses, and he would suggest that the matter should be referred to the Joint Committee on Printing.

Mr. CURRIER amended his motion to meet Hon. Mr. Mackenzie's suggestions.

Mr. CARTWRIGHT called attention to the fact that there was unnecessary delay in getting the Printing of the House done.

He thought the proper authorities ought to see to this.

Mr. RYAN, (Montreal West,)—Whether it is the intention of the Government to construct any basins on the Lachine Canal this year between the Wellington Bridge and the St. Gabriel Lock, to accommodate the increased and growing trade of the country?

Hon. Mr. LANGEVIN hoped that his honorable friend would not insist upon an answer to his question now.

Mr. MACDONALD, (Lunenburg)—Whether it is the intention of the Government to establish a port of entry at or near the mouth of La Havre River, in the County of Lunenburg?

Hon. Mr. TILLEY—Not now.

Mr. MACDONALD, (Lunenburg)—Whether it is the intention of the Government to take measures for the appointment of a harbor master for the port of Halifax; also for the appointment of a shipping officer for the same port?

Hon. Dr. TUPPER—Government intended to submit bills to the House with a view to such appointments.

Hon. Mr. SMITH, (Westmoreland)—Whether any arrangement has been made between the Government of Her Britannic Majesty and the Government of the Dominion as to the disposition of the amount of compensation to be awarded under the 22nd Article of the Treaty of Washington.

Hon. Mr. SMITH, (Westmoreland)—Whether it is intended that the Commissioners appointed under Articles 22 and 23 of the Treaty of Washington, in determining the question of the amount of compensation to be paid, shall be confined to the term of years mentioned in Article 33 of said Treaty?

Hon. Sir GEO. E. CARTIER suggested that it might be better not to press these questions at present, because they probably would come up again in the discussion on the Treaty of Washington.

Mr. LANGLOIS—Whether it is the intention of the Government to cause a survey to be made of the channel of the St. Lawrence, which flows on the north side of the Island of Orleans, with a view to improve the navigation of the said channel and render it safer, the said channel being obstructed by dangerous reefs and shoals?

Hon. Mr. LANGEVIN: Any necessary examination will be made by the Government to ascertain what it may be expedient to do?

Mr. LANGLOIS—Whether it is the intention of the Government to cause a lighthouse to be built at the end of the wharf at St. Jean, Island of Orleans, it

being the unanimous opinion of mariners that if this light had been in existence the *Strathardle* would not have been thrown upon the St. Valier shoals last autumn, and another vessel would not have been wrecked on the same spot three or four years ago?

Hon. Dr. TUPPER: The attention of the Government has only recently been called to this matter, and it was now under consideration.

Hon. Mr. BLANCHET—Whether it is the intention of the Government, by sale or otherwise, to dispose of any of the Ordnance properties at Lewis, and in what way the Government intend to deal with the said properties?

Hon. Sir GEORGE E. CARTIER: Not at present. These properties had only recently been transferred to the Dominion, and it was not the intention to dispose of them. Nothing more could be done by the Dominion Government than was done by the Imperial Government.

LIEUT. GOVERNOR OF MANITOBA.

Hon. Mr. HOLTON moved the following resolution:

That it be resolved, that in the opinion of this House the appointment of R. G. Johnson, Esq., to the office of Lieutenant Governor of the Province of Manitoba, to which office an annual salary of \$7,000 is assigned by law, while he continues to hold his Commission as a Judge of the Superior Court of Lower Canada, under which he is entitled to receive a salary of \$3,200 per annum, is not only inconsistent with the whole spirit of our Legislation respecting the Independence of Judges, but is in plain contravention of the words of the 8th Section of the 75th Chapter of the Consolidated Statutes for Lower Canada, whereby it is enacted that "no such Judge" (of the Superior Court of Lower Canada) "shall sit in the Executive Council or in the Legislative Council or in the Legislative Assembly or hold any other place of profit under the Crown so long as he shall be such Judge."

He said the principle of maintaining the independence of the Judiciary, the independence of the Crown on the one hand and of popular influence on the other, had been so fully established as part of the policy of the British Empire, and all parts of it in which representative institutions existed, for so long a period, that it would be a work of supererogation to enter into any argument on the subject. The question was simply this—did the appointment to the office of Lieutenant Governor of Manitoba conflict with the general spirit of our legislation, and was it at variance with the law. He thought that a very little consideration would show that at all events it was at variance with the general spirit of the law. The facts of the case were these:—Mr. Johnson had been absent from his judicial duties for a period of nearly two years, colourably on leave of absence. He

was not suffering from ill-health; he was not an old man; he was in the full vigour of manhood, and had only held his office for a few years, when leave of absence was given to him in order that he might be sent on special service to Manitoba. That was certainly an attack on the independence of the Judiciary, especially when coupled with the fact that he continued to receive during his absence his salary as judge; and at the same time compensation for his services at Manitoba. Quite irrespective of his appointment to the office of Lieutenant Governor, the spirit, if not the very letter of the law was violated. The salary of the office of Lieut.-Governor was fixed by Statute at \$7,000 a year, and therefore when Mr. Johnson was gazetted to that office he was so far as the public could ascertain in the enjoyment of that salary, while as Judge he received \$3,600. The Act which he had cited in his resolution was passed in 1849, and the only exception he found to its operation was, the Act passed some eight years later, providing for the codification of the laws of Lower Canada. Under that Statute Judges might be appointed to codify the laws; but there was no other exception. It was never contemplated by the law that temporary judges should be appointed during pleasure. He had not brought forward the motion with any desire to attack the Government, and he did not therefore propose dwelling longer upon it. The Government had undoubtedly been led into error, and he hoped now that the error was pointed out they would take steps to remedy it. Good Governments, better Governments than this, had fallen into error, for instance, the Government of Mr. Gladstone which he regarded as infinitely superior to the Government of this country, had undoubtedly fallen in a grave error in the appointment of Mr. Collier to the judicial Committee of the Privy Council, but there was this important distinction between the two cases, that Mr. Gladstone certainly kept within the letter of the law, while the hon. gentlemen opposite had violated both the letter and the spirit. He ventured to hope that the Government would set themselves right before the House and the country, but in any case he would have the satisfaction of knowing that he had sought to vindicate one of the great safeguards of freedom—the independence of the Judiciary.

Hon. Sir GEORGE E. CARTIER said there was no doubt that the question raised by the motion was a very grave one, and it must be approached as such. The same question had arisen and been con-

sidered by the Government when they made the appointment. The objection contained in the motion was as to Judge Johnson, while continuing to be a Judge of Lower Canada, and receiving a salary as such Judge, being appointed as Lieut.-Governor of Manitoba, with a salary in respect of such office. He might say, however, that there was no statute fixing a salary to the office of Lieut.-Governor of Manitoba, which was provided for by Order in Council. The House had already been informed by the leader of the Government that the appointment of Judge Johnson was merely temporary, and he might now say that Judge Johnson did not expect to receive, neither did Government intend to pay him, a salary on the scale paid to Governor Archibald; indeed, no salary was to be paid at all to Judge Johnson as Lieut.-Governor. He would now come to the question of legality. Judge Johnson being a Judge of the Superior Court of Lower Canada, was under leave of absence, and his position was filled by an assistant, who performed all his duties. The leader of the Government had already explained on a former occasion that the Act of Confederation only allowed the appointment of an administrator of a Province in case of illness or absence of the Lieut.-Governor, but not in a case of a resignation. He referred to the cases of Prince Edward Island and British Columbia, where, in case of vacancy, the Chief Justice was allowed to act as Lieut.-Governor, and to Upper and Lower Canada, where, under the former regime, the Commander of the Forces was empowered to act. Before he resumed his seat he would state the decision at which the Government had arrived; but as the member for Chateauguay had appealed to the Statutes and questioned the legality of the appointment, he would first deal with that. He then referred to the Act of 1849, and maintained that its provisions only applied to Lower Canada, and could not affect appointments outside that Province. He would not have taken this argument had he not been provoked to do so. He maintained that the offices alluded to were offices in Lower Canada, and that if that Act were the only one on the Independence of Parliament as far as Judges were concerned, they could not be prevented from occupying seats in the House of Commons for constituencies outside of Lower Canada. The hon. member was wrong in stating that the Act of 1857 formed the only exception to that of 1849. He mentioned the Act of 1852, 16 Vic., c. 13, providing for the appointment of assistant judges in

Hon. Mr. Holton.

cases of unavoidable absence of judges and where the service of the judges had been otherwise required, which was amended in 1861 when the words "leave of absence" were added as one of the reasons empowering the appointment of assistant judges. He therefore maintained that the appointment was in all respects legal and valid, but concluded by stating that as an hon. member of the House had objected to it, though it was merely temporary, the Government had come to the conclusion to cancel the appointment.

Hon. Mr. DORION maintained that Judge Johnson from the moment of his acting on his commission, was entitled to the salary attached to the office and pointed out that in the estimates for the present year the amount to be paid as salary of the Lieutenant Governor was included under the head of expenditure authorized by Statute, whereas the Minister of Militia had held that there was no Statute on the subject. He also maintained that the terms of the Act of 1849 were not confined to Lower Canada, and that its provisions were violated by the appointment of a Judge to any other office, no matter in what Province. The Government had no right to tamper with the independence of Judges, by granting leave of absence with the express object of giving them other offices. He should not however protract the debate, and was glad that Government had admitted their error and consented to cancel the appointment. Mr. Johnson had been appointed for two years past as Recorder of Manitoba, for which he received a salary, and at the same time received a salary as Judge, and at the same time another Judge was performing his duties, so that two salaries were paid, one to Judge Ramsay, and one to Judge Johnson.

Hon. Mr. BLAKE would not have continued the discussion after the statement that the appointment would be cancelled did he not consider that the statements made involved questions of very serious consequence to the country. He did not mean the arguments of the Minister of Militia, for he scarcely considered them to be arguments. He had however stated that though Judge Johnson was appointed Lieutenant Governor of Manitoba, he was not a salaried officer. He held however that the terms of the B. N. A. Act, 1867, distinctly provided that there should be a Lieut. Governor, and that he should be paid by Government, and therefore the hon. gentleman in endeavoring to escape from one violation, had admitted that he had broken the funda-

mental law of the Constitution. Further than this the very estimates included the salary under the head of "expenditure authorised by statute." The Minister of Militia stated that it had been covenanted with Judge Johnson that he should not receive the salary of Lieut. Governor—he did not, however, say whether he might not get more, and gentlemen accepting temporary appointments expected more, as a rule, and in fact the estimates included an extra charge of the Lieutenant Governor of Manitoba of \$1000. The Minister of Militia had stated that the appointment was only temporary, but he (Mr. Blake) maintained that the Law provided that Lieutenant Governors of Provinces should hold office, during pleasure certainly, but they could not be removed within the term of 5 years without cause assigned. This was a law of the utmost consequence in order to give Lieutenant Governors a proper amount of independence. Yet the hon. gentleman assumed to himself to make a temporary appointment. There was, however, now a good cause for cancelling the appointment, for it ought never to have been made. He held that the attempt to make a temporary appointment to the office of Lieutenant Governor was also a violation of the Law. He held also that the Confederation Act provided that Judges should hold office during good behaviour, and if it were properly construed there would be no power to take away a Judge from his office and bribe him—he did not apply the term to this particular case, but to a possible case—by a high office of large emolument, to absent himself from the sphere of his judicial duties, and thus to create a vacancy filled by an Assistant Judge, having all the powers of a Judge, and holding office during pleasure. It was entirely out of the question to justify the course taken in making Mr. Johnson Recorder, and then Lieutenant Governor. He did not desire to protract the discussion, but if the hon. gentlemen's use of the Act was legitimate, it was not consistent with the Act of Confederation, for it practically gave power to cause the whole administration of Justice in Lower Canada to be performed by Judges holding office during pleasure instead of good behaviour. The practice must be judged by the result which it made possible. He considered the Act of the Minister of Militia which he had attempted to justify shewed a degree of recklessness which should lead the country to pause before it continued to place confidence in men who could so act.

Mr. HARRISON (Toronto) thought the member for Chateaugay was entitled to

the thanks of the House for having made the motion, and he also congratulated Government that they had had the usual courage to admit their error and cancel the appointment, and he thought a man who made a mistake but who had courage to admit and rectify it, ought to be encouraged, and not brave abuse thrown at him, and taunted for having done what was right. There could only be one object in prolonging the debate, namely, to sustain the principle of the independence of the bench. If they had Constitutional liberty, that liberty was secured by checks, and lines drawn between the executive, the legislative and the judicial. Our constitutional liberty had arisen by the growth of the checks, by the efforts of the Legislature to reduce within reasonable limits, the power of the Executive, and that constitutional liberty was in writing. Who was to decide these questions? It was the judicial power, and if there ever was a necessity in the history of the country, to maintain intact that judicial power, it was now. It had been attempted to be argued that if a Judge had leave of absence, he might do anything, but he was still a Judge, and except under pressing circumstances, if at all, there should be no interference with the Judges. The Statute of Quebec that had been brought into question was a mere declaration of a constitutional principle that Judges should be independent, and should in no way be employed in other positions of profit. There could be no question that the position of Lieut. Governor of Manitoba was a place of profit, and this being so, it was a matter of small consequence whether the salary was guaranteed by Act of Parliament or otherwise. He trusted that Government influenced by the discussion that had taken place would not in future do as they had in this case, but would not even appoint Judges to temporary employment but would leave them on the bench as the guardians of the constitution and the interpreters of the fundamental law.

Hon. Mr. McDUGALL said he understood the complaint to be exclusively directed to the violation of a statute of Lower Canada, and in respect to the fitness of Judge Johnson to fill the position he believed there could be no objection. As to the error which the Government might have committed he did not undertake to pronounce, as the hon. gentleman had admitted it. He believed there should be a strict observance of the law in respect to the Judiciary and was glad the mistake had been rectified. He referred to the appointment of Mr. Blake to the

office of President of the Council in Ontario, and said that the hon. gentlemen had taken a very different course from that of the Government in this case for he had first committed the breach of the constitution and then introduced a Bill to sanction it (cheers).

Hon. Mr. BLAKE said he did not intend to enter into any argument as to what he had done elsewhere, but if the hon. gentleman would meet him there he would discuss it with him, but he thought it exceedingly improper (laughter) to discuss provincial constitutions in that House. The fact is the hon. gentleman wanted to support his friends opposite and made his arguments to suit the circumstances. A little time ago the hon. gentlemen was with the Government—then again he was opposed to them—and now he was with them again, he wished him and them joy of it.

Hon. Mr. MACDOUGALL said he should insist on the right in all discussions on constitutional matters to deal with all parts of the constitution. As to the challenge about entering the Ontario House he would have very little difficulty in doing that, for on a recent occasion three members of that House offered to resign their seats and give him the opportunity. As to his position with the Government, he stood there as an independent member, to approve or disapprove, and when he was guilty of the inconsistency and indecency of going through the country for years, denouncing all public men who disagreed with him on the principle of Coalition Governments (cheers), and violating those principles on the very first opportunity (cheers)—when he had done that, he might be taunted with inconsistency (loud cheers.)

Hon. Mr. HOWE said that when on a previous occasion the member for Halifax introduced, in the discussion on the Senate, illustrations of violations of the constitution in another House, hon. gentlemen opposite enjoyed it very much; but now, when illustrations were taken from the Ontario matters, they objected altogether. It would appear that what was sauce for the goose was not sauce for the gander (laughter).

Hon. Mr. MACKENZIE said, in the matter of the Senate, the illustrations were not drawn from local matters.

Mr. MILLS referred to the coalitions of 1854 and 1867, and said the member for Lunenburg seemed to have forgotten the position he then occupied. He maintained that the Quebec Act of 1791 was not limited to locality, but to the Judges personally.

Hon. Mr. Blake.

Hon. Mr. HOLTON asked whether the motion was to be declared carried.

Hon. J. H. CAMERON appealed that the motion should be withdrawn, as after the declaration of the Government the object had been attained.

Hon. Mr. HOLTON said, that having attained his object, he had no desire to press the matter, but a difficulty arose in consequence of the line adopted by the Minister of Militia, who maintained the course taken by Government.

Hon. Sir GEO. E. CARTIER said the Government maintained that their action had been legal.

It being 6 o'clock the House rose.

AFTER RECESS.

INSOLVENCY LAWS.

Mr. COLBY rose to move the House in Committee on the Bill to repeal the Insolvency Laws.

Hon. Col. GRAY said that before going into Committee he desired to make a few remarks. He was entirely opposed to the repeal of the Insolvency Law. He would call attention to the fact that the Law as it now stood had been framed after a great deal of labor and consideration. It was framed in a great measure from the experience of the honorable member for Argen-teuil, (Mr. Abbott) one of the best authorities on the subject. On the Committee all the different Provinces were represented, each particular Province pointed out the peculiar reasons why the Bill should be adopted, and it was afterwards carried by a large majority of the House. He would call the attention to the disadvantage the separate Provinces would labour under if the Act should be repealed. This matter being one that was exclusively within the jurisdiction of the General Parliament, the Local Legislatures could not legislate upon it. In New Brunswick a peculiar disadvantage would result from the repeal on the law. Before Confederation that Province had a law providing for the discharge from arrest of a debtor, which was working more or less to the satisfaction of the country. It had afterwards been found unsatisfactory in some respects, and the Legislature passed an Act to amend it. The Supreme Court however decided in cases carried before it on appeal, that the Provincial Legislature had no jurisdiction over the subject. If therefore this law were repealed the Provincial Legislature would have no power to substitute anything else for it, not even a law to provide for the discharge from arrest of an unfor-

tunate debtor, who would be left completely at the mercy of any relentless creditor who chose to pursue him. If the supporters of this Bill pressed it upon the House he would offer an amendment exempting the Province of New Brunswick from its operation.

Mr. JONES (Halifax) desired to say a few words in support of the opinions of the merchants of Halifax. He thought that in all business communities it was necessary to have a well regulated and well defined law regarding debtor and creditor. Previous to the Union Nova Scotia labored under disadvantage in not having a good insolvency law. They had endeavored on many occasions to frame such a law as would be acceptable but from one cause or another they had not been successful. He had known on many an occasion, where a debtor had been compelled to meet his creditors and was so entirely at their mercy that he had been driven from the country. He had seen the want of a well adjusted measure and thought that one should, in a new country like this, profit by the experience of older countries like Great Britain and the United States. Some amendments to our law might be necessary. He would not say that it was perfect, but he held that those gentlemen who held views in favor of repealing it were bound to give better reasons than they had yet been able to do for such repeal. The chief arguments that he had heard against it had not been so much against the law itself as against its administration (hear, hear). Most of the gentlemen who had spoken had taken ground chiefly against the expense which attends the administration of the law, and the imperfect manner in which it was administered. He held, that if such was the case, they should not take the grave step of repealing the Act, but should offer some amendment which would enable the law to be carried out in the way most desirable. It had been said that in the Province of Quebec they would be in a better position than the other Provinces, if this law were repealed, and he would say that if such a law existed in the Lower Provinces as that now in force in Quebec, there would perhaps not been the same objection to repealing the Act. But it should be remembered that if this law was repealed they would simply have to revert to the machinery of olden times. Then again there would be no provision for winding up estates at present in bankruptcy, and hon. gentlemen should show how they proposed to meet that objection. It was much easier to pull down than to build up, and

until they proposed some better law it should remain as it was. When giving the vote he did on a previous occasion he thought he was in accord with the commercial community of Halifax, but the day following he received a telegram from the President of the Chamber of Commerce, which he would read:—

“The Chamber of Commerce unanimously desire our representatives to use their exertions to prevent the repeal of the Insolvency Act.”

He considered that an opinion coming from such a body, representing every branch of commercial industry, was entitled to every respect at the hands of honorable members. He understood that similar expressions of opinion had emanated from all the business centres in the country (cries of no, no); at all events, he believed petitions had been received from Montreal, Toronto, Hamilton, St. John, Halifax and other places, and he could safely say that there were among the leading business centres of the Dominion. The Dominion Board of Trade had also expressed a similar opinion, and he contended that the views of those bodies represented public opinion. He hoped the good sense of the House would reverse the vote given on a previous occasion and sustain the Act (hear, hear.)

Mr. SAVARY had not had an opportunity of speaking on the subject before and desired now to say a few words. His hon. friend, the mover of the Bill had referred to the vote of last session as evidence of the feeling which prevailed against the Insolvency Act. He (Mr. Savary) did not think it would bear that construction. In the first instance several members representing important commercial constituencies had reversed their votes of last session, and in the second place the vote was taken at a late stage of the Session, when many members had left. Nor did he believe that the vote taken the other evening was a fair indication of the feeling of the House and the country, as there were, at least, sixty members absent when the vote was taken. It could not be denied that the Insolvency Law of 1869, was an important measure, and he would impress upon the House the necessity of exercising the utmost care in dealing with the matter; they should not hurriedly repeal a measure of so much importance. The hon. gentleman who moved the second reading of this Bill had stated that the Insolvency Law was passed solely in the interest of the debtor, and that it was demoralizing in its effects. He (Mr. Savary) contended that it fully protected the creditors by enabling them fairly

to distribute among themselves the property of the debtor, when he became insolvent, and he read several clauses of the Act in support of his view. It had been contended that the Law encouraged recklessness, but he did not think so. The creditors had the power of putting an estate in insolvency if they thought that a man was conducting his business in a manner to lead to bankruptcy, and could secure his property and distribute it rateably among all the creditors. How then did the Act encourage recklessness among debtors? Many members had stated that an Insolvency Law should not only exist in times of commercial depression, and that in prosperous times like the present, there was no necessity for such a law. He was not of that opinion. In times of prosperity many were induced to embark in reckless adventures which often turned out disastrously, and led to bankruptcy. The promoter of this Bill had admitted that a law was necessary to discharge debtors from their obligations in times of commercial pressure and in that he had admitted the principle that we ought to have such a law. When the Act was passed it was intended to be experimental and was limited to a period which ended in 1873, and he would ask the honorable gentlemen to let the experiment work itself out in order that we might have further and better proof of the successful working of the Act. Prior to the passing of this Act there had been no satisfactory law in the Lower Provinces and if the House insisted upon its repeal he would support the amendment of the member for St. John and endeavor to have Nova Scotia also exempted from the operation of the Bill now before the House.

Mr. SPEAKER reminded the honorable gentleman that he was not speaking on any particular motion, having only alluded to one that he intended to make.

Mr. SAVARY said that the motion he rose to make was this:

That the Speaker do not now leave the chair, but that the Insolvent Act of 1869, with its amendments, be referred to a Special Committee, with instructions to report such amendments as the commercial interests of the country require, with power to send for persons and papers.

A point of order was hereupon raised, which having been argued by several hon. members, Mr. SPEAKER ruled the motion out of order.

Hon. Mr. ANGLIN moved, in amendment, That the Speaker do not now leave the chair, but that the House go into Committee upon the said Bill this day three months. He said that the experi-

Mr. Jones.

ence of the commercial community of the Lower Provinces had been that the law worked satisfactorily, and they were opposed to its repeal.

Mr. SAVARY said that the hon. member for North Oxford had asserted that the lawyers were interested in the repeal of the law, but that argument was answered by the fact that there were as many lawyers in favor of the Act as there were against it. It seemed to him that the proposed legislation was too hasty, they had only had the Insolvency Law on the Statute Book since 1869, and it did not come into operation until September of that year. If it was thought necessary to give timely notice of its taking effect, surely it would only be fair to give similar warning to its repeal. Many merchants had given credit on the faith of provisions of the Law, and they should be protected. He thought the House should wait for petitions against the Law before repealing it.

Mr. R. A. HARRISON said the reason be proposed to advance to the House for not at once going into Committee was that the Insolvency Law had worked tolerably well, and they ought to give it a fair trial. He had received a resolution recently passed by the Board of Trade of Toronto, "that this Board considers that the repeal of the Insolvency Laws would be a grave injustice to honest but unfortunate traders, and that the amendments petitioned for by this Board will be sufficient to protect the honest from being taken advantage of by dishonest traders." Under the operation of the Insolvency Act, the estate goes into the pockets of the creditors, instead of into those of the lawyers. There were men whose business, before the passing of the Act—consisted chiefly in collections. He knew of one man whose business had been completely ruined by the Insolvency Act, and many had lost to a large extent from the same cause. The arguments had gone to show that in some respects the law had worked badly, but they had not stated that the defect could not be remedied. He had introduced a Bill which embodied a good many of the amendments suggested by the Board of Trade of Toronto. The repeal of the Law would be equally prejudicial to debtor and creditor. No man would affirm that a man who had been unfortunate, or ever, have a mill stone around his neck. Unless we give honest men a chance to recover themselves they will be driven from our country. If the law should be repealed, the result in Ontario would be, that the first execution would sweep away

everything, and the unscrupulous creditor would get all, while the others would get nothing at all. The law of the Province of Quebec was better in some respects than that of Ontario, as the proceeds of the sale were there distributed among all the executions. The Boards of Trade of Montreal, Toronto, Halifax and St. John had petitioned against the repeal of the law, and the hon. member for Hamilton, while voting for the repeal of the law, had presented a petition from the Board of Trade of Hamilton, praying that the law might not be repealed. He hoped that the representatives of Quebec would vote with Ontario against the repeal of the law.

Mr. COLBY said that the hon. gentleman had appealed to the magnanimity of the representatives of Quebec. He had no desire to oppose the interests of the people of Ontario, but he found that each successive vote on his Bill had gradually increased the number from both Ontario and Quebec in its favor.

Mr. WORKMAN would not detain the House, but the hon. member for Stanstead had referred to members who had had experience in the working of the Act. He (Mr. W.) claimed that he had had more experience than any other merchant in the House, and from that experience—and he could also speak for the merchants of Montreal generally—he considered that the Act had worked admirably, especially since the amendments of 1869. He regretted that in conversation with members of the House since the last vote was taken, he found that they had given their vote without really knowing the working of the Act. He expected a petition by the next mail from the merchants of Montreal against the repeal of the law. There had been a charge made against the merchants of Montreal, that they were sending their goods to the right and left, and that at twenty-five per cent. in the dollar. The charge was too absurd to receive credit, as if such were the case, they would be making a present to their customers in Ontario of 75 per cent. upon all the goods they furnished to them. As the authenticity of the petition of the Board of Trade had been doubted by the hon. member for Stanstead he would state that that petition had since received the unanimous assent of the Board.

Mr. COLBY said that when he made the statement he did so subject to conversion. He had to day heard of the petition which the hon. member for Montreal Centre expected by next mail, to the effect that it

was being taken around for signature by an official assignee.

Mr. MAGILL, in explanation to the remarks of the hon. member for Toronto West, said that the petition of the Board of Trade of Hamilton against the repeal of the Insolvency Law was signed by only seven members of that Board, one of whom was an official assignee, whilst he held in his hand a petition of 67 merchants of that city, praying that the Act may be repealed or suspended for a period of five years.

Vote was then taken on Mr. Anglin's amendment, resulting in yeas 69, nays 77.

Mr. HARRISON moved an amendment that it be an instruction to the Committee to except the Province of Ontario from the operation of the Bill.

Hon. Mr. BLAKE thought the motion out of order.

The SPEAKER ruled that the Committee had already power to except any portion of the Dominion, and the instruction was therefore unnecessary.

The House then went into Committee.

Mr. MILLS in the Chair.

Mr. JONES moved that the Committee should rise and the chairman order the Committee to divide. An animated and rather amusing scene ensued, members on each side endeavoring to detain others from crossing the floor.

The Chairman pronounced the motion lost.

The Committee adopted the Bill without amendment and rose. Third reading of Bill ordered for to-morrow.

SUPERANNUATION.

The adjourned debate on Mr. JOLY'S motion,—

That the House do resolve itself into a Committee of the Whole forthwith, to consider a resolution respecting the Superannuation Fund.

On the motion that the Speaker should leave the chair,

Hon. Mr. MORRIS said the Minister of Finance had already called the attention of the House to the fact that the motion was not in order, inasmuch as it proposed to deal with a part of the Consolidated Revenue.

Hon. Mr. MACKENZIE stated that the Minister of Finance had distinctly stated that he would not raise the point of order.

Hon. Mr. MORRIS said the Minister of Finance had said he hoped the motion would not be pressed, so that he need not raise the point of order.

A discussion arose on the point of the resolution being in order or not, at the

close of which the Speaker requested time to consider the point.

Hon. Mr. DORION thought the question was very important, and that it required the attention and action of the House, and the Government might obtain the views of the House by allowing the discussion to proceed.

Hon. Sir GEORGE E. CARTIER said the Minister of Finance had fully explained the matter previously, and had stated that he would not raise the point of order until the matter had been discussed.

Hon. Sir FRANCIS HINCKS asked if the member pressed the matter.

Mr. JOLY said he had paid special attention to the matter, and did not want to press the matter merely for the sake of getting his motion passed. If Government would promise to make such deduction as would be justified, he would be satisfied.

Hon. Mr. MACKENZIE believed that something like this scheme was necessary, but did not think it could be yet decided what reduction could be made, but Government ought to allow full discussion. If Government would not give the promise asked they should not stay discussion.

Hon. Sir FRANCIS HINCKS had already stated clearly the views of the Government. The member for Lotbiniere had no doubt every desire to do justice, but the point was this: Was the Government to establish a fund for the widows and orphans of the members of the Civil Service. He must say distinctly, no! He admitted that the fund at the present moment was larger than was being paid out, but it was too soon to decide whether a reduction could be made. As an individual, he would rather have had a Superannuation Fund, without any charge on officers' salaries, but Government did not think the House would pass such a scheme. He had taken a rate which he considered sufficient, and if it proved too much, Government would be quite prepared to reduce it, but they could not act at an Insurance Company. He had hoped the motion would be withdrawn.

Hon. Mr. DORION said there was this injustice, that the present officers might be paying more than was necessary. He would suggest that 4 per cent should be retained and the balance returned every year.

Hon. Sir GEO. E. CARTIER said the suggestion was good, but the working of the Civil Service Act would scarcely admit of its being fully carried out. If it was shown that the percentage was too great let it be reduced.

Mr. Colby.

Hon. Mr. BLAKE said it was necessary there should be this fund, but it would be an unnecessary extension to form a fund for widows and orphans, and thought the matter was met by the present arrangement. It was expedient to allow time to decide what should be the rate. The member for Lotbiniere had proved however that there was a large accumulation of unexpended money, and he thought the suggestion of the member for Hochelaga was worthy of immediate consideration, and the Government should give some reason why the accumulation should not be redistributed while it was possible to return it to those who had subscribed it. He believed it necessary that the Government should err on the right side, but referring to the pension mentioned by the member for Northumberland, maintained that it had been wrongly granted. It appeared that the appointment had been made when the person was over 70 years of age which was itself a condemnation.

Hon. Sir FRANCIS HINCKS was sorry this question should have again been brought forward, especially in connection with the present matter. If there had been a "fraud committed" it should have been dealt with on its own merits. The individual had been appointed after many years service to the Crown, and as to his being paid by Commission many persons were paid in New Brunswick by Commission. At Confederation the salary system was adopted and the person in question was put on salary. Subsequently the department with which he was connected recommended, on medical certificate that he should be superannuated. The Treasury Board dealt with the matter, and, in fact, any hardship in the case was sustained by the person in question.

Hon. Mr. MACKENZIE asked what proportion of the time of the person was devoted to the public service while on commission, and what fees he received.

Hon. Sir F. HINCKS said, before the Dominion there were Commissioners, of which the person in question was one and the member for Northumberland was another. That member had done nothing but supply everything out of his own store at his own prices, while the gentleman whose pension had been called in question had done all the work. The Minister of Marine had thought this a very bad system, and had appointed the gentleman in question at a fixed salary to do the whole work. There was no injustice, and if there was, why was not the matter brought up on its merits. The gentlemen

opposite seemed inclined to agree with Government on the general question.

Hon. Mr. HUTCHISON said he desired to state the truth of the matter. As to the gentleman in question having done the whole work, he (Mr. Hutchison) had invariably accompanied him on his trips, and as to the supplies they could not have been obtained at a cheaper rate elsewhere. He repeated that the pension was a fraud on those who subscribed the fund.

Hon. Mr. TILLEY rose to explain the matter stating that the case was exactly parallel to that of Custom House officers in Nova Scotia who before Confederation were paid at 10 per cent. on the revenue they collected, but were afterwards appointed at salaries. In the present case the officer had been appointed by the Government of New Brunswick as a Commissioner of Lights within a section of the Province. He held that position until Confederation, when there being no superannuation in contemplation, he was appointed Inspector of Light-houses for the whole Province, at a salary of \$1,200. After being three or four years in the Service he became incapacitated on twenty years Service, but the Treasury Board from the fact that the commissions received during many years were small, as compared with the salary, decided that he should only be superannuated on ten years service.

Hon. Mr. MACKENZIE asked what time the gentleman had devoted to his work when on commission, and what was the amount of the remuneration.

Hon. Mr. TILLEY could not say but the reduction was made specially on account of the small remuneration.

Hon. Mr. ANGLIN did not know how to characterize the attempt to create an impression in the House and country, that the gentleman was in any sense of the term an officer of the Government of New Brunswick entitled to any consideration on this account. The appointment was merely honorary, the amount received being only 45 dollars among three gentlemen, and he would like to hear the Minister of Customs attempt in New Brunswick to make such a statement as he had just done. As to the member for Northumberland, throughout the length and breadth of the Province his honor and unimpeachable veracity were unquestioned.

Hon. Mr. BLAKE thought the fact of an appointment of a person over 70 years of age required explanation.

Hon. Sir FRANCIS HINCKS was not conversant with the particulars, but it was

perfectly obvious that he was appointed because he had previously held the position.

Hon. Mr. BLAKE denied that the two positions were at all alike.

Hon. Mr. TILLEY said, as an illustration, he might point to the Minister of Finance, who was over 70, and still had the confidence and support of the country.

Hon. Sir FRANCIS HINCKS asked whether the resolution would be withdrawn.

Mr. JOLY said he must refuse to withdraw his motion.

The debate was then adjourned.

In reply to the question of Hon. Mr. MACKENZIE, as to the order of business to-morrow,

Hon. Sir GEO. E. CARTIER said that it expected the leader of the Government would be in his place to-morrow, when the question of the Washington Treaty would be brought up. It was intended that afterwards the small Bill which was in his (Sir George's) charge with regard to the Pacific Railway should be taken up. Should the consideration of these two measures not exhaust the time at the disposal of the House, it was the intention to go into Committee of Supply.

Mr. MACKENZIE asked whether before the Government proceeded with what the hon. gentleman facetiously called his "small Bill" the House would be favoured with the report upon the exploratory survey of the railway. That report was absolutely necessary to a proper understanding of the question, for without it members would be completely ignorant as to the route of the proposed railway and other points which it is desirable should be fully understood.

Hon. Mr. LANGEVIN said the report would be brought down before the Bill was proceeded with to-morrow.

Hon. Mr. MACKENZIE—Printed?

Hon. Mr. LANGEVIN—Yes, printed.

The House adjourned at midnight.

SENATE.

FRIDAY, May 3rd, 1872.

The SPEAKER took the chair at three o'clock.

PETITIONS.

Hon. Mr. SANBORN, from the Committee on Standing Orders and Private Bills, reported favorably on the following petitions:

Of Hon. John Young, Managing Direc-

Hon. Mr. Blake.

tor in Canada, of the Canadian and European Telegraph Company.

Of the Mutual Life Association of Canada.

Of Rev. William Morley Punshon, M. A., President of the Conference of the Wesleyan Methodist Church.

Of Sir Hugh Allan, and others, of the city of Montreal.

Of the St. Francis and Megantic International Railway Company.

Of the Grand Trunk Railway Company of Canada; and of the Corporation of the town of Galt.

Of D. McInnes and others.

And of the Corporation of the village of Waterloo.

The Committee reported that the following petitions properly came under consideration of local legislatures:

Of the Board of Trade of the town of St. Catharines.

Of C. H. Fairweather, President, and others, members of the St. John, New Brunswick, Board of Trade.

Of Robert H. Kittson, and others, of Sorel, in the Province of Quebec.

Hon. Mr. BENSON said the petition from St. Catharines had been favorably reported upon in the Committee of the other House, and did not understand why there should be a distinction.

Hon. Mr. SANBORN replied that the Committee only adhered to the decision they came to last year in reference to such subjects.

Hon. Mr. ROBERTSON said there was a difference of opinion as to the construction of the British North America Act.

Hon. Mr. CAMPBELL said that under existing circumstances it seemed as if all that could be done was to let each House pursue the course it thought proper. He was of opinion that the Boards of Trade were of a provincial or local character.

PUBLIC BUSINESS.

Hon. Mr. WARK suggested to the Government whether some system might not be devised by which more business might be originated in the House.

Hon. Mr. CAMPBELL replied that Committees had been appointed in the House of Lords, where the same difficulty was felt; but no action had been taken to remove it. The most important measures, of necessity, originated in the other branch. During this session, however, one very important measure, the Bill respecting Public Lands was before the House, and would be taken up next week. Bills respecting Immigration Societies, and on other subjects, would come up for consideration. So far as the members of the

Government and the House were concerned, they had every disposition to initiate as many measures as practicable in that branch.

The House then adjourned.

HOUSE OF COMMONS.

FRIDAY, 3rd May, 1872.

The SPEAKER took the chair at 3 p.m.

A number of petitions were presented.

Hon. Sir A. T. GALT introduced a Bill to incorporate Manitoba Junction Railway Co.

Bill read a first time.

Mr. A. MORRISON introduced a Bill to incorporate the Imperial Guarantee & Loan Society. Read a first time.

Mr. FORBES introduced a Bill to incorporate Bank of Batavia. Read a first time.

Mr. YOUNG introduced a Bill to confirm agreement between Grand Trunk Railway Company and Town of Galt.

Read a first time

Hon. Mr. LANGEVIN laid on the table the Report of the Exploratory Survey of Canadian Pacific Railway.

A Message was received from the Senate, intimating that a Bill had been passed by that body, respecting larceny of Stamps with certain amendments. Read a first time.

Hon. Mr. POPE introduced a Bill to amend Emigration Act of 1869. Read a first time.

TREATY OF WASHINGTON.

Hon. Sir JOHN A. MACDONALD then rose and said :

Mr. Speaker, I move for leave to bring in a Bill to carry into effect certain clauses of the Treaty negotiated between the United States and Great Britain in 1871. The object of the Bill is stated in the title. It is to give validity, so far as Canada is concerned, to the Treaty, which was framed last year in the manner so well known to the House and country. The Bill in itself as I proposed to introduce it the other day was simply a Bill to suspend those clauses of the Fishery Acts, which prevent fishermen of the United States from fishing in the inshore waters of Canada, such suspension to continue during the existence of the Treaty. I confined it to that object at that time because the question really before this House, was whether the fishery articles of the Treaty should receive sanction of Parliament or not. As however, a desire was expressed

on the other side that I should enter into the object fully on asking leave to bring in the Bill, and as on examining the cognate Act, which has been laid before Congress at Washington, I find that all the subjects—even those subjects which do not require legislation—have been repeated in that Act, in order, one would suppose, to make the Act in the nature of a contract to be obligatory during the existence of the Treaty, so that in good faith it could not be repealed during that time, I propose to follow the same course. The Act I ask leave to bring in provides in the first clause for the suspension of the fishery laws of Canada, so far as they prevent citizens of the United States from fishing in our in-shore waters. The Bill also provides that during the existence of the Treaty, fish and fish oil, (except fish of the inland lakes of the United States and the rivers emptying into those lakes, and fish preserved in oil,) being the produce of fisheries of the United States shall be admitted into Canada free of duty. The third clause provides for the continuance of the bonding system during the twelve years, or longer period provided by the Treaty, and the fourth clause provides that the right of transshipment contained in the 30th clause of the Treaty shall, in like manner, be secured to citizens of the United States during the existence of the Treaty. The last clause of the bill provides that it shall come into effect whenever, upon an Order-in-Council, a proclamation of the Governor-General is issued giving effect to the act. In submitting the act in this form I am aware that objections might be taken to some of the clauses on the ground that having relation to questions of trade and money they should be commenced by resolution adopted in Committee of the Whole. That objection does not apply to the whole of the bill—to those clauses which suspend the action of our fishery act; but it would affect, according to the general principle, the clause which provides that there shall be no duty on fish and fish oil, and also the clauses respecting the bonding system and transshipment. I do not, however, anticipate that that objection will be taken, because in presenting the Bill in this form I have followed the precedent established in 1854, when the measure relating to the Reciprocity Treaty was introduced in Parliament. It was then held that the Act having been introduced as based upon a Treaty which was submitted by a message from the Crown, became a matter of public and general policy, and ceased to

be merely a matter of trade, and although those hon. gentlemen who interested themselves in Parliamentary and political matters at that date will remember that the Act which was introduced by the Attorney General for Lower Canada in 1854, Mr. Drummond, was simply an Act declaring that various articles being the produce of the United States should during the existence of the Treaty be received free into Canada, and that Act repealed the tariff *pro tanto*, it was not introduced by resolution, but after the Treaty had been submitted and laid on the table, and after a formal message had been brought down by Mr. Morin, the leader of the Government in the House, to the effect that the Bill was introduced with the sanction of the Governor General. I do not therefore anticipate that objection will be taken by any hon. member, and I suppose the precedent so solemnly laid down at that time will be held to be binding now. Should objection, however, be taken, the clauses of the Bill respecting the suspension of the Fishery Act and transshipment, are sufficient to be proceeded with in this manner. The other portions may be printed in italics and can be brought up as parts of the Bill or separately as resolutions as may be thought best. The journals of the House stated that on the 21st of September, 1854, Mr. Chauveau submitted a copy of the Treaty, which was set out on the face of the journals; on the same day Mr. Drummond asked leave of the House to bring in a Bill to give effect to a certain Treaty between Her Majesty and the United States of America; and on the 22nd on the order of the day for the second reading of the Bill, Mr. Morin, by command, brought down a message from the Governor General signifying that it was by His Excellency's sanction it had been introduced, whereupon the House proceeded to the second reading. That Bill was a simple one declaring that various articles mentioned in the Treaty should, during the existence of the Treaty be admitted into this country free of duty. The House now, Mr. Speaker, if they give leave that this Bill shall be introduced and read a first time will be in the possession of all those portions of the Treaty of Washington that in any way come within the action of the Legislature. Although the debate upon this subject will, as a matter of course, take a wide range and will properly include all the subjects connected with the Treaty in which Canada has any interest, yet it must not be forgotten that the Treaty as a whole is in force with the particular

exceptions ^{to} I have mentioned; and the decision of this House will after all be simply whether the articles of the Treaty extending from the 18th to the 25th shall receive the sanction of Parliament, or whether those portions of the Treaty shall be a dead letter. This subject has excited a great deal of interest, as was natural in Canada, ever since 8th May, 1871, when the Treaty was signed at Washington. It has been largely discussed in the public prints and opinions of various kinds have been expressed upon it—some altogether favourable, some altogether opposed, and many others of intermediate shades of opinion—and among other parts of the discussion has not been forgotten, the personal question relating to myself—the position I held as a member of this Government, and as one of the High Commissioners at Washington. Upon that question I shall have to speak by-and-by, yet it is one that has lost much of its interest, from the fact that by the introduction of this Bill the House and country will see that the policy of the Government, of which I am a member, is to carry out or try to carry out the Treaty, which I signed as a plenipotentiary of Her Majesty. Under the reservation made in the Treaty, this House and the Legislature of Prince Edward Island have full power to accept the fishery articles or reject them. In that matter this House and Parliament have full and complete control (hear, hear). No matter what may be the consequences of the action of this Parliament, no matter what may be the consequences with respect to future relations between Canada and England, or between Canada and the United States, or between England and the United States, no matter what may be the consequences as to the existence of the present Government of Canada, it must not be forgotten that this House has full power to reject the clauses of the Treaty if they please, and maintain the right of Canada to exclude Americans from inshore fisheries, as if the Treaty had never been made (hear, hear). That reservation was fully provided in the Treaty. It was made a portion of it—an essential portion; and if it had not been so made the name of the Minister of Justice of Canada would not have been attached to it (hear, hear.) That right has been reserved, and this Parliament has full power to deal with the whole question. I will by-and-by speak more at length as to the part I took in the negotiations; but I feel that I performed my duty—a grave and serious duty, but still my duty—in attaching my signature

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to the Treaty as one of Her Majesty's representatives and servants (hear, hear). Now, sir, let me enter into a short retrospect of occurrences which transpired for some years before arrangements were entered into for negotiating the Treaty. The Reciprocity Treaty with the United States existed from 1854 to 1866, in which latter year it expired. Great exertions were made by the Government of Canada, and a great desire was expressed by the Parliament and people of Canada for a renewal of that Treaty. It was felt to have worked very beneficially for Canada. It was felt to have worked also to the advantage of the United States: and there was a desire and a feeling that those growing interests which had been constantly developing and increasing themselves during the existence of the Treaty would be greatly aided if it were renewed and continued. I was a member of the Government at that time with some of my hon. friends who are still my colleagues, and we took every step in our power, we spared no effort, we left no stone unturned, in order to gain that object. The House will remember that for the purpose of either effecting a renewal of the Treaty, or if we could not obtain that of arriving at the same object by means of concurrent legislation my honorable friend the member for Sherbrooke, at that time Finance Minister, and the present Lieutenant Governor of Ontario went to Washington on behalf of the Government of Canada. It is a matter of history that all their exertions failed, and after their failure by the general consent—a consent in which I believe the people of Canada were as one man—we came to the conclusion that it would be humiliating to Canada to make any further exertions at Washington or to do anything more in the way of pressing for the renewal of that instrument, and the people of this country with great energy addressed themselves to find other channels of trade, other means of developing and sustaining our various industries, in which I am happy to say they have been completely successful. Immediately on the expiration of the Treaty our right to the exclusive use of the inshore fisheries returned to us, and it will be in remembrance of the House, that Her Majesty's Government desired us not to resume at least for a year, that right to the exclusion of American fishermen, and that the prohibition of Americans fishing in those waters should not be put in force either by Canada or the Maritime Provinces. All the Provinces, I believe, declined to accede to the suggestion, and

it was pressed strongly on behalf of the late Province of Canada, that it would be against our interests if for a moment after the Treaty ceased we allowed it to be supposed that American fishermen had a right to come into our waters as before; and it was only because of the pressure of Her Majesty's Government and our desire to be in accord with that Government, as well as because of our desire to carry with us the moral support of Great Britain and the material assistance of her fleet that we assented with great reluctance, to the introduction of a system of licenses for one year at a nominal fee or rate. This was done avowedly by us for the purpose of asserting our right. No greater or stronger mode of asserting a right and obtaining the acknowledgment of it by those who desired to enter our waters for the purpose of fishing could be devised than by exacting payment for the permission, and therefore it was that we assented to the licensing system (hear, hear). Although in 1866 that system was commenced, it did not come immediately into force. We had not then fitted out a Marine Police Force, for we were not altogether without expectation that the mind of the Government of the United States might take a different direction, and that there was a probability of negotiations being renewed respecting the revival of the Reciprocity Treaty; and therefore although the system was established, it was not rigidly put in force, and no great exertion was made to seize trespassers who had not taken out licenses. In the first year however a great number of licenses were taken out, but when the fee was increased so as to render it a substantial recognition of our rights the payments became fewer and fewer, until at last it was found that the vessels who took out licenses were the exception, and that the great bulk of fishermen who entered our waters were trespassers; and in addition to the fact that our fisheries were invaded, that we were receiving no consideration for the liberty, and that our rights were invaded boldly and aggressively, it was now stated by the American Government or members of the American Cabinet that the renewal of the Reciprocity Treaty was not only inexpedient, but unconstitutional, and that no such renewal could or would be made. The Government of Canada then in 1870, after conference with the Imperial Government, and after receiving the promise of the Imperial Government that we should have the support of their fleet in the protection of our just rights—a promise which was faithfully carried out,—prepared and

fitted out a sufficient force of Marine Police vessels to protect our rights, and I am glad to believe that that policy was perfectly successful. Great firmness was used, but, at the same time, great discretion; there was no harshness, and no seizures were made of a doubtful character. No desire to harrass the foreign fishermen was evidenced, but, on the contrary, in any case in which there was doubt the officers in command of the seizing vessels reported to the head of their Department, and when the papers were laid before Government, they in all cases gave the offending parties the benefit of the doubt. Still, as it would be remembered, some of the fishermen made complaints, which complaints although unjust, I am sorry to say were in some instances made and supported on oath, of harshness on the part of the cruisers, and an attempt was made to agitate the public mind of the United States against the people of Canada, and there was at that time a feeling on the part of a large portion of the people of the United States, which feeling I am however happy to say has since disappeared, that the action of Canada was unfriendly. Her Majesty's Government were of course appealed to by the authorities of the United States on all these subjects, and the complaints were bandied from one Government to the other, and proved a source of great irritation. While this feeling was being raised in the United States there was, on the other hand, a feeling among our fishermen that our rights were, to a very great degree, invaded. In order to avoid the possibility of dispute, in order to avoid any appearance of harshness, in order, while we were supporting our fishery rights, to prevent any case of collision between the Imperial Government and the United States, or between the Canadian authorities and the United States, we avoided making seizures within the bays, or in any way bringing up the "headland question." This was very unsatisfactory, because, as it was said by the fishermen, "if we have these rights, we should be protected in the exercise of them." And it was, therefore, well that that question should be settled at once and for ever. In addition, however, to the question of headlands, a new one had arisen, of an exceedingly unpleasant nature. By the wording of the Convention of 1818, foreign fishermen were only allowed to enter our waters for the purpose of procuring wood, water, and shelter; but they claimed that they had a right, although

fishing vessels, to enter our ports for trading purposes; and it was alleged by our own fishermen that under pretence of trading, American fishermen were in the habit of invading our fishing grounds, and fishing in our waters. The Canadian Government thought it therefore well to press, not only by correspondence, but by a delegate, who was a member of the Government, upon Her Majesty's Government the propriety of having that question settled with the United States, and consequently my friend and colleague, the Postmaster General, went to England to deal with that subject. The results of his mission are before Parliament. At the same time that he dealt with the question I have just mentioned, he pressed upon the consideration of Her Majesty's Government the propriety of England making on our behalf a demand on the United States Government for reparation for the wrongs known as "the Fenian Raids." England agreed to press upon the United States both these matters, and to ask that all the disputed questions relating to the inshore fisheries under the Convention of 1818 should be settled in some mode to be agreed upon between the two nations, and also to press upon the United States, the wrong sustained by Canada at the hands of citizens of the United States who had invaded our country. Before Her Majesty's Government had actually, in compliance with their promise, made any representation on these two subjects to the United States Government, England had been engaged on her own behalf in a controversy of a very grave character. It was known that what was commonly known as "the Alabama claims" was a subject of dispute between the two countries, involving the gravest consequences and that hitherto the results had been most unsatisfactory. An attempt had been made to settle the question by what was known as the Johnson-Clarendon Treaty, but that Treaty had been rejected by the United States authorities. So long as this question remained unsettled between the two nations there was no possibility of the old friendly relations that had so long existed between them being restored, and England felt that it was of the first importance to her that those amicable relations should be restored. It was not only her desire to be in the most friendly position towards a country which was so closely associated with her by every tie, by common origin, by common interest, by common language, but it was also her interest to have every cloud removed between the two nations,

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because she had reason to feel that her position with respect to the other great powers of the world was greatly affected, by the knowledge which those other nations had of the position of affairs between the United States and herself. The prestige of Great Britain as a great power was affected most seriously by the absence of an *entente cordiale* between the two nations. Two years ago, England was as a matter of course greatly interested in the great and serious questions which were then convulsing Europe, and was in danger of being drawn by some complication into hostile relations with some of the conflicting powers, and she felt,—and I speak merely what must be obvious to every hon. member in the House, that she could not press or assert her opinion, with the same freedom of action, so long as she was aware, and so long as other nations were aware, that in case she should be unfortunately placed in a state of hostility with any nation whatever, the United States Government would be forced, by the United States people to press at that very time, when she might be engaged in mortal conflict with another nation,—for a settlement of those Alabama claims. Hence, Mr. Speaker, the great desire of England in my opinion, that that great question should be settled, and, hence also, the intermingling of the particular questions relating to Canada with the larger Imperial questions. And, sir, in my opinion, it was of greater consequence to Canada than to England, at least of as great consequence, that the Alabama question should be settled (cheers). Sir, England has promised to us, and we have all faith in that promise, that in case of war, the whole force of the Empire should be exerted in our defence (cheers). What would have been the position of England, and what would have been the position of Canada, if she had been called upon to use her whole force to defend us, when engaged in conflict elsewhere. Canada would, as a matter of course, in case of war between England and the United States, be the battle ground. We should be the sufferers, our country would be devastated, our people slaughtered, and our property destroyed; and while England would, I believe, under all circumstances, faithfully perform her promise to the utmost (cheers), she would be greatly impeded in carrying out her desire, if engaged elsewhere. It was therefore, as much the interest of this Dominion as of England, that the Alabama and all other questions that in any way threatened the disturbance of the peaceful relations between the two countries should be settled

and adjusted; and therefore, although to a considerable extent I agree with the remarks that fell from the Minister of Finance when he made his Budget speech, that looking at the subject in a commercial point of view, it might have been better, in the interest of Canada, that the fishery and Fenian questions should have been settled free and apart from the Imperial question. I am pleased, and I was pleased, that the fact of Canada having asked England to make these demands upon the United States, gave an opportunity for reopening the negotiations with respect to the Alabama and other matters. It was fortunate that we made that demand, for England could not, with due self respect, have initiated or reopened the Alabama question. She had concluded a treaty in London with the representative of the United States, and this treaty having been rejected by the Supreme Executive of the United States, England could not herself have reopened negotiations on the subject. And, therefore, it was fortunate, I say, for the peace of the Empire, and for the peace of Canada, that we asked England to make these demands upon the United States as it afforded the opportunity of all these questions being made again the subject of negotiation. The correspondence which is before the House, between the Secretary of State of the United States and the British Ambassador, Sir Edward Thornton, has shown how that result was arrived at. The invitation was made by the British Ambassador to consider the Fishery Question. The United States Government, I have no doubt, though, I do not know it as a matter of fact, by a quiet and friendly understanding between the two powers, replied acceding to the request, on condition that the larger and graver matters of dispute were also made a matter of negotiation. Hence, it was sir, that the arrangements were made under which the Treaty of Washington was effected. Sir, I have said that it was of the greatest consequence to Canada, and to the future peace and prosperity of Canada, that every cloud which threatened the peace of England and the United States should be dispelled. I was struck with an expression that was used to me by a distinguished English statesman, that those powers in Europe who are not so friendly to England heard with dismay that the *entente cordiale* between the two nations was to be renewed (hear, hear), and you have seen mentioned in the public press the active exertions that were made by one power, or by the representative of one power, for

the purpose of preventing that happy result (hear, hear), and although Mr. Catcazy has been disavowed by the Government of Russia, in the same way as poor Vicovich was on a previous occasion when he was the organ of Russia in the East, I cannot but feel that he was punished only because his zeal outran his discretion. I can vouch for his active exertions for the purpose of preventing this Treaty of Washington receiving the sanction of the Senate of the United States (hear, hear). While England therefore was strongly interested in the settlement of these questions both for herself and for Canada, the United States were also interested and made overtures in a most friendly spirit. I believe that there was a real desire among the people of the United States to be friendly towards England. I believe that the feeling of irritation which had been caused by the unhappy events of the war, and by the escape of the Alabama had almost entirely disappeared, and I hope and believe that the people of the United States were then, and are now strongly in favor of establishing permanently a friendly feeling between the two nations. Then, besides, they had a further interest in settling all matters in dispute. So long as the United States and England were not on friendly terms, so long as they were standing aloof from each other, it affected very considerably the credit of the United States securities in Europe. Not only the funds of the United States as a whole, but the securities of every State of the Union, and of all American enterprises seeking the markets of the world were injuriously affected by the unsatisfactory relations between the two countries. They were therefore prepared to meet each other in this negotiation. To proceed with the history of the circumstances immediately preceding the formation of the Joint High Commission at Washington, I will state that on the first February, 1871, a communication was made to me by His Excellency the Governor General, on behalf of Her Majesty's Government, asking me in case there was going to be a Joint Commission to settle all questions between England and the United States, whether I would act as a member of that Commission. I give the date because it has been asked for. The communication was verbal, and founded upon a telegraphic communication to His Excellency which cannot be printed, being of a nature which the House can readily understand, ought not properly to be laid before this House. This communication

was, in the first place, for myself alone, I was not allowed to mention it for the time to any one else. My reply was that I would be greatly embarrassed by any injunction of secrecy as regards my colleagues, and that under no circumstances would I accept the position without their consent. I subsequently received permission to communicate it to them, and I received their consent to act upon the Commission. Before accepting, however, I took occasion, for my own information and satisfaction, to ask through His Excellency what points of agreement and of difference existed between England and Canada with regard to the Fisheries. The answer was a very short one, by cable, and it was satisfactory to myself. It was afterwards extended in the despatch of the 16th of February, 1871. It shortly stated that of course it was impossible for Her Majesty's Government to pledge themselves to any forgone conclusion; that as it was a matter of negotiation it was, of course, out of the question on the part of either Government to give cast iron instructions to their representatives because that would do away with every idea of a negotiation. But the despatch went on to say that Her Majesty's Government considered our right to the inshore fisheries beyond dispute; that they also believed that our claims as to the headlands were just, but that those claims might properly be a matter of compromise. It went on further to state that Her Majesty's Government believed that, as a matter of strict right we could exclude the American fishermen entering our ports for purposes of trade and commerce, and that they could only enter our waters, in the language of the Treaty, for wood, water, and shelter; but that this, in the opinion of Her Majesty's Government, would be a harsh construction of the Treaty, and might properly be a subject for compromise. On reading that despatch, I could have no difficulty, as a member of the Canadian Government, in accepting the position, to which my colleagues assented, of plenipotentiary to Washington, because, as a matter of law, our view of those three points was acknowledged to be correct, and the subject was therefore devoid of any embarrassment from the fact of Canadians setting up pretensions which Her Majesty's Government could not support (hear, hear). When the proposition was first made to me I must say that I felt considerable embarrassment, and great reluctance to become a member

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of the Commission. I pointed out to my colleagues that I was to be one only of five, that I was in a position of being overruled continually in our discussions, and that I could not by any possibility bring due weight from my isolated position. I felt also that I would not receive from those who were politically opposed to me in Canada that support, which an officer going abroad on behalf of his country generally received, and had a right to expect (hear, hear). I knew that I would be made a mark of attack, and this House well knows that my anticipations have been verified. I knew that I would not get fair play (hear, hear). I knew that the same policy that had been carried out towards me for years and years would continue, and therefore it was a matter of grave consideration for myself whether to accept the appointment or not. Sir, a sense of duty prevailed (cheers), and my colleagues pressed upon me also that I would be wanting in my duty to my country if I declined the appointment; that if from a fear of the consequences, from a fear that I would sacrifice the position I held in the opinions of the people of Canada, I should shirk the duty, I would be unworthy of the confidence that I had received so long from a large portion of the people of Canada (cheers). What, said my colleagues, would be said if, in consequence of your refusal, Canada was not represented, and her interest in these matters allowed to go by default? England, after having offered that position to the first Minister, and it having been refused by him, would have been quite at liberty to have proceeded with the Commission and the settlement of all these questions without Canada being represented on the Commission, and those very men who attack me now for having been there and taken a certain course, would have been just as loud in their complaints and just as bitter in their attacks, because I had neglected the interests of Canada and refused the responsibility of asserting the rights of Canada at Washington. (cheers). Sir, knowing as I said before what the consequences would be to myself of accepting that office, and foreseeing the attacks that would be made upon me I addressed a letter to His Excellency the Governor General informing him of the great difficulties of my position and that it was only from a sense of duty that I accepted the position (cheers). On proceeding to Washington I found a general desire among the two branches into which the Joint

High Commission divided itself, an equal desire, I should say, on the part of the United States Commissioners as well as of the British Commissioners that all questions should be settled so far as the two Governments could do so. There was a special desire that there should be a settlement. It was very easy for the Commissioners, or the Government through their representatives, to make a Treaty, but in the United States there is a power above and beyond the Government, the Senate of the United States which had to be considered. It was felt that a second rejection of a Treaty would be most disastrous for the future of both nations; that it would be a solemn declaration that there was no peaceable solution of the questions between the two nations. An American statesman said to me, "the rejection of the Treaty now means war." Not war to-morrow or at any given period, but war whenever England happened to be engaged in other troubles, and attacked from other sources (hear, hear). You may therefore imagine Mr. Speaker, and this House may well imagine the solemn considerations pressing upon my mind, as well as upon the minds of my colleagues in Canada with whom I was in daily communication, if by any unwise course, or from any rigid or pre-conceived opinions we should risk the destruction for ever of all hope of a peaceable solution of the difficulties between the two kindred nations (cheers). Still Sir, I did not forget that I was their chosen representative. I could not ignore the fact that I was selected a member of that Commission from my acquaintance with Canadian politics. I had continually before me, not only the Imperial question, but the interests of the Dominion of Canada which I was there specially to represent, and the difficulty of my position was that if I gave undue prominence to the interests of Canada I might justly be held, in England, to be taking a purely Colonial and selfish view, regardless of the interests of the Empire as a whole, and the interests of Canada as a portion of the Empire, and on the other hand, if I kept my eye solely on Imperial considerations I might be held as neglecting my special duty towards this my country of Canada. It was a difficult position as the House will believe, a position that pressed upon me with great weight and severity at the time, and it has not been diminished in any way since I have returned, except by the cordial support of my colleagues, and I believe also my friends in this House. (cheers) In order to

show that I did not for a moment forget that I was there to represent the interests of Canada, I must ask you to look at the despatch of 16th February, 1871, which reached me at Washington, a few days after I arrived there—it will be seen that Lord Kimberley used this expression, ‘as at present advised ‘Her Majesty’s Government, are of ‘opinion that the right of Canada to exclusive Americans from fishing in the ‘waters within the limits of three marine ‘miles of the coast, is beyond dispute, ‘and can only be ceded for an adequate ‘consideration. Should this consideration take the form of a money payment, ‘it appears to Her Majesty’s Government, ‘that such an arrangement would be more ‘likely to work well than if any conditions were annexed to the exercise of ‘the privilege of fishing within the Canadian waters.’ Having read that despatch, and the suggestion that an arrangement might be made on the basis of a money payment, and there being an absence of any statement that such an arrangement would only be made with the consent of Canada I thought it well to communicate with my colleagues at Ottawa, and although we had received again and again, assurances from Her Majesty’s Government that those rights would not be affected, given away, or ceded, without our consent, it was thought advisable, in consequence of the omission of all reference to the necessity of Canada’s assent being obtained to any monetary arrangement, to communicate by cable that Canada considered the Canadian Fisheries to be her property and they could not be sold without her consent. That communication was made by the Canadian Government on the 10th March, and of that Government I was a member, and not only did that communication proceed from the Canadian Government to England, giving them fair notice that the Canadian Government, of which I was so a member, would insist upon the right of dealing with her own fisheries, but I took occasion to press upon the Head of the British Commission at Washington, that my own individual opinion, as representing Canada, should be laid before Her Majesty’s Government. The answer that came back at once by cable was extended in full in the despatch of the 17th March, 1871; and it was most satisfactory as it stated that Her Majesty’s Government had never any intention of advising Her Majesty to part with those fisheries without the consent of Canada. Armed with this, I felt that I was relieved of a

considerable amount of my embarrassment. I felt that no matter what arrangements might be made, no matter whether I was out-voted by my colleagues on the Commission, or what instructions might be given by Her Majesty’s Government, the interests of Canada were safe, because they were in her own hands, and reserved for her own decision. Now, Mr. Speaker, it must not be supposed that this was not a substantial concession on the part of Her Majesty’s Government. It is true that Lord Kimberley stated in his despatch of 17th March, that “when the Reciprocity Treaty was concluded, the Acts of the Nova Scotia and New Brunswick Legislatures relating to the Fisheries were suspended by Acts of those Legislatures, and the Fishery rights of Canada are now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign powers”—it is true in one sense of the word, but it is also true that if Her Majesty, in the exercise of Her power, had chosen to make a Treaty with the United States, ceding not only those rights, but ceding the very land over which those waters flow, that Treaty between England and the United States would have been binding, and the United States would have held England to it. No matter how unjust to Canada, after all her previous promises, still that Treaty would be a valid and obligatory Treaty between England and the United States, and the latter would have had the right to enforce its provisions, override any Provincial Laws and Ordinances, and take possession of our waters and rights. It would have been a great wrong, but the consequences would have been the loss practically, of our rights for ever, and so it was satisfactory that it should be settled, as it has been settled, without a doubt appearing upon the records of the conference at Washington. Now the recognition of the proprietary right of Canada in Her Fisheries forms a portion of the State Papers of both countries. Now the rights of Canada to those Fisheries are beyond dispute, and it is finally established that England cannot, and will not, under any circumstances whatever, cede those fisheries without the consent of Canada. So that in any future arrangement between Canada and England, or England and the United States the rights of Canada will be respected, as it is conceded beyond dispute, that England has not the power to deprive Canada of them. We may now rest certain that for all time to come England will not, without our con-

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sent, make any cession of these interests. Now Mr. Speaker to come to the various subjects which interest Canada more particularly. I will address myself to them in detail, and first, I will consider the question of most importance to us, the one on which we are now specially asked to legislate, that which interests Canada as a whole most particularly, and which interests the Maritime provinces especially. I mean the articles of the Treaty with respect to our fishery rights. I would in the first place say that the protocols which accompany the Treaty, and which are in the hands of every member do not give chronologically an every day account of the transactions of the conference, although as a general rule I believe the protocols of such conferences are kept from day to day, but it was thought better to depart from the rule on this occasion, and only to record the conclusions arrived at; therefore, while the protocols substantially contain the result of the negotiations ended in the Treaty, they must not be looked upon as chronological details of facts and incidents as they occurred. I say so because the protocol which relates more especially to the Fisheries would lead one to suppose that at the first meeting, and without previous discussion the British Commissioners stated "that they were prepared to discuss the question of the Fisheries, either in detail or generally so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818, and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis." Now the fact is that it was found by the British Commissioners when they arrived at Washington and had an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States Commissioners, but among the public men of the United States whom they met there, and from their communications with other sources of information, that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future, and more especially that if by any possibility a solution of the difficulty respecting the Fisheries could be arrived at, or a satisfactory arrangement made by which the Fishery question could be placed in abeyance as in 1854, it would be to the advantage of both nations. It must be remembered that the Commission sat in 1871, that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1870, and that great and loud, though I

I believe unfounded, complaints had been made that American fishing vessels had been illegally seized although they had not trespassed upon our waters. Persons interested had been using every effort to arouse and stimulate the minds of the people of the United States against Canada and the Canadian authorities, and it was felt and expressed that it would be a great bar to the chance of the Treaty being accepted by the United States, if one of the causes of irritation which had been occurring a few months before should be allowed to remain unsettled; collisions would occur between American fishermen claiming certain rights, and Canadians resisting those claims, that thereby unfriendly feelings would be aroused, and all the good which might be effected by the Treaty would be destroyed, by quarrels between man and man engaged on the fishing grounds. This feeling prevailed, and I as a Canadian, knowing that the people of Canada desired, and had always expressed a wish to enter into the most cordial reciprocal trade arrangements with the United States, so stated to the British Commissioners, and they had no hesitation, on being invited to do so, in stating that they would desire by all means to remove every cause of dissension respecting these fisheries by the restoration of the old Reciprocity Treaty of 1854. An attempt was made in 1865 by the hon. member for Sherbrooke (Sir A. T. Galt) and Mr. Howland, on behalf of Canada, to renew that Treaty, but failed, because the circumstances of the United States in 1865 were very different from what they were in 1854, and it appeared out of the question and impossible for the United States to agree to a Treaty with exactly the same provisions and of exactly the same nature as that of 1854. So the British Commissioners, believing that a treaty similar in detail to that of 1854 could not be obtained, urged that one conceived in the same spirit but adapted to the altered circumstances of the two countries should be adopted, and this view was strongly pressed upon the Joint Commission. This will appear from the protocol referring to this branch of the Treaty. It will also appear from the protocol that the United States Commissioners stated that the Reciprocity Treaty was out of the question, that it could not be accepted without being submitted to both branches of Congress, and there was not the slightest possibility of Congress passing such an Act, and that the agreement by the two Governments to a treaty, including provisions similar in spirit to the Treaty of 1854,

would only ensure the rejection of the Treaty by the Senate, and therefore that some other solution must be found. I believe that the United States Commissioners were candid and were accurate in their view of the situation. I believe that had the Treaty contained all the provisions, or the essential provisions of the Treaty of 1854, they would have ensured its rejection by the Senate. When I speak of the conferences, that were held on the fisheries I would state, for the information of those members of the House who may be unacquainted with the usage in such matters, that the Commissioners did not act at the discussions individually. The conference was composed of two units, the British Commission and the United States Commission. If a question arose in conference on which either of the two parties, the British or American branch, desired to consult together they retired, and on their return expressed their views as a whole without reference to the individual opinions of the Commissioners. As an individual member of the British Commission, and on behalf of Canada, when it was found that we could not obtain a renewal of the Reciprocity Treaty, I urged upon my English colleagues that the Canadians should be allowed to retain the exclusive enjoyment of the inshore fisheries, and that means should be used to arrive in some way or other at a settlement of the disputed questions in relation to the fisheries, so as to settle the headland question and the other one relating to trading in our ports by American fishermen, and I would have been well satisfied acting on behalf of the Canadian Government if that course had been adopted by the Imperial Government; but Her Majesty's Government felt and so instructed her Commissioners, and it was so felt by the United States Commissioners, that the leaving of the chance of collision between the American fishermen and the Canadian fishermen a matter of possibility would destroy or greatly prejudice the great object of the negotiations that were to restore the amicable relations and friendly feelings between the two nations, and therefore Her Majesty's Government pressed that these questions should be allowed to remain in abeyance, and that some other settlement in the way of compensation to Canada should be found. The protocol shows, Mr. Speaker, that the United States Government through their Commissioners, made a considerable advance, or at least some advance, in the direction of Reciprocity, because they offered to exchange for our inshore

fisheries in the first place the right to fish in their waters whatever that might be worth, and they offered to admit Canadian coal, salt, fish, and, after 1874, lumber. They offered Reciprocity in these articles. On behalf of Canada the British Commissioners said that they did not consider that that was a fair equivalent (hear, hear). It is not necessary that I should enter into all the discussions and arguments on that point, but it was pointed out by the British Commissioners that already a measure had passed one branch of the Legislature of the United States, making coal and salt free, and stood ready to be passed by the other branch, the Senate. It was believed at that time that the American Congress for its own purpose, and in the interest of the American people was about to take the duty off these articles, and therefore the remission could not be considered as in any way a compensation, as Congress was going to take off the duty whether there was a Treaty or not. Then as regards the duty on lumber which was offered to be taken off in 1874 we pointed out that nearly a third of the whole of the time for which the Treaty was proposed to exist would expire before the duty would be taken off our lumber. The British Commissioners urged that under those circumstances the offer could not be considered as a fair one, and that Canada had a fair right to demand compensation over and above these proposed reciprocal arrangements. Now, Mr. Speaker, before that proposition was made I was in communication with my colleagues. The Canadian Government were exceedingly anxious that the original object should be carried out, that if we could not get reciprocity as it was in 1854 that we should be allowed to retain our fisheries and that the questions in dispute should be settled; but Her Majesty's Government taking the strong ground that their acceding to our wishes would be equivalent to an abandonment of carrying the Treaty into effect, the Canadian Government reluctantly said that from a desire to meet Her Majesty's Government's views as much as possible, and not to allow it to be felt in England that from a selfish desire to obtain all we desired we had frustrated the efforts of Her Majesty's Government to secure peace, we consented that the proposition I have mentioned should be made, and so that proposition was made to the United States. Although I do not know it as a matter of certainty, I have reason to believe that if it had not been for the action of this Legislature last ses-

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sion we would now be passing an act for the purpose of ratifying a Treaty in which coal, salt, and lumber from Canada would be received into the United States free of duty (hear, hear.) I have reason to believe that had it not been for the interposition of this Legislature, and I speak now of political friends as well as foes, those terms which were offered by the United States would have been a portion of the Treaty instead of its standing as it does now (applause.) I will tell the House why I say so. The offer was made early by the United States Government. The answer made by the British Commissioners was that under the circumstances it was not a fair and adequate compensation for the privileges that were asked, and the British Commissioners at the suggestion of the Canadian Government referred the question to Her Majesty's Government whether they had not a right in addition to this offer of the United States to expect a pecuniary compensation, that pecuniary compensation to be settled in some way or other. That took place on the 25th of March, 1871. On the 25th of March I think the final proposition was made by the U. S. Government, and on the 22nd March, only two days before, the resolution carried in this House by which the duty was taken off coal and salt and the other articles mentioned. Before that resolution was carried here no feeling was expressed in the United States against the taking off the duty on Canadian coal and salt into the United States; no one raised any difficulty about it. I am as well satisfied as I can be of any thing which I did not see occur that the admission of Canadian coal and salt into the United States would have been placed in the Treaty if it had not been for the action of this Legislature. On the 25th of March that offer was made, and it was referred to England. The English Government stated that they quite agreed in the opinion that in addition to that offer there should be compensation in money, and then on the 17th of April the American Commissioners withdrew as they had the right to do their offer altogether. And why did they withdraw the offer altogether? One of the Commissioners in conversation said to me "I am quite surprised to find the opposition that has sprung up to the admission of Canadian coal and salt into our market. I was quite unprepared for the feeling that is exhibited." I knew right well what the reason was. The monopolists having the control of American coal in Pennsylvania and salt in New York, so long as the Treaty would open to them the markets in

Canada, for their products, were willing that it should carry, because they would have the advantage of both markets, but when the duty was taken off in Canada when you had opened our market to them, when they had the whole control of their own market and free access to ours, whether for coal or salt, the monopolists brought down all their energies upon their friends in Congress, and through them a pressure on the American Government for the purpose of preventing the admission of Canadian coal and salt into the American market, and from that I have no doubt came the withdrawal by the American Commissioners of their offer. When my hon. friend from Bothwell (Mr. Mills) said last Session, "there goes the Canadian National Policy," he was little aware of the consequences of the reckless course he had taken (hear, hear). Hon. gentleman may laugh, but they will find it no laughing matter. The people of Canada, both East and West, will hold to strict account those who acted so unpatriotically in this matter. Under these circumstances, Mr. Speaker, I felt myself powerless, and when the American Commissioners made their last offer, which is now in the Treaty, offering reciprocity in fisheries, that Canadians should fish in American waters, and that Americans should fish in Canadian waters, and that fish and fish oil should be reciprocally free, and that if on arbitration it were found that the bargain was an unjust one to Canada, and Canada did not receive sufficient compensation for her fisheries by that arrangement, it was remitted to Her Majesty's Government to say what should be done, and as will be seen by the last sentence of the protocol, "The subject was further discussed in the conferences of April 18th and 19th, and the British Commissioners having referred the last proposal to the Government, and received instructions to accept it, the Treaty articles, 18 to 25, were agreed to at the Conference on the 23rd of April." Thus then it occurred that these articles from 18 to 25 are portions of the Treaty. One of these articles reserves to Canada the right of adoption or rejection and it is for this Parliament now to say whether under all the circumstances it should ratify or reject them. The papers that have been laid before the House show what was the opinion of the Canadian Government. Under present circumstances of that question, the Canadian Government believe that it is for the interest of Canada to accept the Treaty, to ratify it by legislation. (Hear, hear.) They

believe it is for the interest of Canada to accept it, and they are more inclined to believe it from the fact which I must say has surprised me, and surprised my colleagues, and has surprised the country—that the portion of the Treaty which was supposed to be most unpopular and most prejudicial to the interests of the Maritime Provinces has proved to be the least unpopular. (Hear, hear.) Sir, I could not have anticipated that the American fishermen, who were offered the advantages of fishing in our waters would be to a man, opposed to the Treaty as inflicting upon them a great injury. I could not have anticipated that the fishermen of the Maritime Provinces, who, at first expressed hostility, would now, with a few exceptions, be anxious for its adoption. (Hear, hear.) In viewing these articles of the Treaty, I would call the consideration of the House to the fact that their scope and aim have been greatly misrepresented by that portion of the Canadian press which is opposed to the present Government. It has been alleged to be an ignominious sale of the property of Canada, a bartering away of the territorial rights of this country for money. Sir, no allegation could be more utterly unfounded than this. (Hear, hear.) It is no more a transfer and sale of the territorial rights of Canada than was the treaty of 1854. The very basis of this treaty is reciprocity. [Hear, hear.] To be sure it does not go as far and embrace as many articles as the treaty of 1852. I am sorry for it. I fought hard that it should be so, but the terms of this Treaty are terms of reciprocity, and the very first clause ought to be sufficient evidence upon that point, for it declares that Canadians shall have the same right to fish in American waters, that Americans will have under the Treaty to fish in Canadian waters. True it may be said that our fisheries are more valuable than theirs, but that does not affect the principle. The principle is this—that we were trying to make a reciprocity arrangement and going as far in the direction of reciprocity as possible. The principle is the same in each case, and as regards the Treaty that has been negotiated it is not confined to reciprocity in the use of the inshore fisheries of the two countries. It provides that the products of the fisheries of the two nations, fish oil as well as fish, shall be interchanged free. The only departure from the principle of reciprocity in the present treaty is the provision, that if it shall be found that Canada had made a bad bargain and had not received a fair compensation for what she gave; if it shall be found that while there was reciprocity as to the enjoyment of rights and

privileges, there was not true reciprocity in value, then the difference in value should be ascertained and paid to this country. (Hear, hear.) Now if there is anything approaching to the dishonourable and the degrading in these proposals I do not know the meaning of those terms. (Hear, hear.) This provision may not be one that will meet the acceptance of the country, but I say that the manner in which it has been characterized, is a wilful and deliberate use of language which the parties employing it did not believe at the time to be accurate, and to which they resorted for political reasons, and in order to create misapprehensions in the country. Sir, there was no humiliation. Canada would not tolerate an act of humiliation on the part of its Government. England would neither advise nor permit one of her faithful colonies to be degraded and cast down (cheers.) But it is said that the American fisheries are of no value to us. They are not as valuable as ours it is true, but still they have a substantial value for us in this way—that the exclusion of Canadian fishermen from the American coast fisheries would have been a loss to the fishing interests of the Maritime Provinces, and I will tell you why. It is quite true that the mackerel fishery, which is the most valuable fishery on these coasts, belongs chiefly to Canada, and that the mackerel of the American coast is far inferior in every respect to the Canadian fish, but it is also true that in American waters, the favourite bait to catch the mackerel with, known as the menhaden is found, and it is so much the favourite bait that, one fishing vessel having this bait on board, will draw a whole school of mackerel in the very face of vessels having an inferior bait. Now the value of the privilege of entering American waters for catching that bait is very great. If Canadian fishermen were excluded from American waters, by any combination among American fishermen or by any Act of Congress, they might be deprived of getting a single ounce of the bait. American fishermen might combine for that object, or a law might be passed by Congress forbidding the exportation of menhaden; but by the provision made in the Treaty, Canadian fishermen are allowed to enter into American waters to procure the bait, and the consequence of that is, that no such combination can exist and Canadians can purchase the bait and be able to fish on equal terms with the Americans. (Hear, hear.)

It is thus seen, sir, that this Reciprocity Treaty is not a mere matter of sentiment—it is a most valuable privilege, which is not to be neglected, despised, or sneered

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at. With respect to the language of these articles some questions have been raised and placed on the paper, and I have asked the hon. gentlemen who were about to put them, to postpone doing so; and I now warn hon. members, and I do it with the most sincere desire to protect the interests of Canada, if this Treaty becomes a Treaty, and we ratify the fishery articles—I warn them not to raise questions which otherwise might not be raised. I think, Mr. Speaker, there is no greater instance in which a wise discretion can be used than in not suggesting any doubts. With respect, however, to the question which was put by the hon. member for the County of Charlotte—and it is a question which might well be put, and which requires some answer—I would state to that hon. gentleman, and I think he will be satisfied with the answer, that the Treaty of 1871, in the matter his questions refers to, is larger and wider in its provisions in favor of Canada than was the Treaty of 1854, and that under the Treaty of 1854 no question was raised as to the exact locality of the catch, but all fish brought to the United States market by Canadian vessels were free. I say this advisedly, and I will discuss it with the hon. gentleman whenever he may choose to give me the opportunity. The same practice will, I have no doubt, be continued under the Treaty of 1871, unless the people of Canada themselves raise the objection. The warning I have just now expressed I am sure the House will take in the spirit in which it is intended. No hon. member will, of course, be prevented from exercising his own discretion, but I felt it my duty to call the attention of the House to the necessity of great prudence in not raising needlessly, doubts as to the terms of the Treaty. It will be remembered that we have not given all our fisheries away, the Treaty only applies to the fisheries of the old Province of Canada, and in order that the area should not be widened, it is provided that it shall only apply to the fisheries of Quebec, Nova Scotia, New Brunswick and Prince Edward Island, so that the Treaty does not allow the Americans to have access to the Pacific Coast fisheries, nor yet to the inexhaustible and priceless fisheries of the Hudson's Bay. Those are great sources of revenue yet undeveloped, but after the Treaty is ratified, they will develop rapidly, and in twelve years from now when the two nations sit down to reconsider the circumstances, and readjust the Treaty it will be found that other and great wealth will be at the disposal of the Dominion

I may be asked, though I have not seen that the point has excited any observation, why were not the products of the lake fisheries laid open to both nations, and in reply I may say that these fisheries were excepted at my instance. The Canadian fisheries on the north shores of the great lakes are most valuable. By a judicious system of preservation and protection we have greatly increased that source of wealth. It is also known that from a concurrence of circumstances and from situation the fisheries on the south shores are not nearly so valuable as ours, and it therefore appeared that if we once allowed the American fishermen to have admission to our waters, with their various engines of destruction, all the care taken for many years to cultivate that source of wealth would be disturbed, injured, and prejudiced, and there would be no end of quarrels and dissatisfaction, in our narrow waters, and no real reciprocity, and therefore, that Canada would be much better off by preserving her own Inland Lake fisheries to herself, and have no right to enter the American market with the products of those fisheries. This was the reason why the Lake fisheries were not included in this arrangement. Now, Sir, under the present circumstances of the case, the Canadian Government have decided to press upon this House the policy of accepting this Treaty and ratifying the Fishery Articles. I may be liable to the charge of injuring our case in discussing the advantages of the arrangement because every word used by me may be quoted and used as evidence against us hereafter. The statement has been so thrown broadcast that the arrangement is a bad one for Canada, that in order to show to this House and the country that it is one that can be accepted one is obliged to run the risk of his language being used before the Commissioners to settle the amount of compensation as an evidence of the value of the Treaty to us. It seems to me that in looking at the Treaty in a commercial point of view, and looking at the question whether it is right to accept the articles, we have to consider that interest which is most peculiarly first affected. Now unless I am greatly misinformed the fishing interests with one or two exceptions for local reasons, in Nova Scotia are altogether in favor of the Treaty (hear, hear.) They are anxious to get admission of their fish into the American market; they would view with sorrow any action of this House which would exclude them from that market; they look forward with in-

creasing confidence to a large development of their trade and of that great industry, and I say that being the case, if it be to the interest of the fishermen and for the advantage of that branch of the national industry, setting aside all other considerations, we ought not wilfully to injure that interest. What is the fact of the case as it stands now? The only market for the Canadian number one mackerel in the World is the United States. That is their only market and they are practically excluded from it by the present duty. The consequence of that duty is that they are at the mercy of the American fishermen; they are made the hewers of wood and drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit, to the loss of our own people. Let any one go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of the steamer to a fisherman in his boat and see for what a nominal price you can secure the whole of his catch, and that is from the absence of a market and from the fact of the Canadian fisherman being completely under the control of the foreigner. With the duty off Canadian fish, the Canadian fisherman may send his fish at the right time, when he can obtain the best price, to the American market, and thus be the means of opening a profitable trade with the United States, in exchange. If, therefore, it is for the advantage of the Maritime Provinces, including that portion of Quebec, which is also largely interested in the fisheries, that this Treaty should be ratified, and that this great market should be opened to them, on what ground should we deprive them of this right? Is it not a selfish argument that the fisheries can be used as a lever in order to gain reciprocity in flour, wheat and other cereals? Are you to shut them off from this great market in order that you may coerce the United States into giving you an extension of the reciprocal principle? Why, Mr. Speaker, if it were a valid argument, it would be a selfish one. What would be said by the people of Ontario if the United States had offered, for their own purposes, to admit Canadian grains free, and Nova Scotia had objected, saying, "No, you shall not have that market; you must be deprived of

that market for ever, unless we can take in our fish also; you must lose all that great advantage until we can get a market for our fish"? Apply the argument in this way and you will see how selfish it is. But the argument has no foundation, no basis of fact, and I will show this House how. In 1854, by a strict and rigid observance of the principle of exclusion, the American fishermen were driven out of those waters. At that time the United States were free from debt, and from taxation, and they had large capital invested in their fisheries. Our fisheries were then in their infancy. They were a "feeble" people just beginning as fishermen, with little capital and little skill, and their operations were very restricted. I do not speak disparagingly but in comparison with the fishermen in the United States there was an absence of capital and skill. The United States were free from taxation, they had this capital and skill, and all they wanted was our Canadian waters in which to invest that capital and exercise that skill, but how is it altered now? Our fisheries are now no lever by which to obtain Reciprocity in grain. What do the United States care for our fisheries? The American fishermen are opposed to the Treaty. Those interested in the fisheries are sending petition after petition to the United States Government and Congress praying that the Treaty may be rejected. They say they do not want to come into our waters. The United States Government have gone into this Treaty with every desire to settle all possible sources of difficulty, their fishermen complain that they will suffer by it, but the United States Government desire to meet us face to face, hand to hand, heart to heart, and to have an amicable settlement of all disputes. They know that they are not making political friends or gaining political strength because nearly the whole of the interest most affected by the Fishery articles is against the Treaty. But they desire that the ill feelings which arose during the civil war, and from the Alabama case, should be forgotten. A feeling of friendship has grown up between the nations, and it can be no other desire than to foster and encourage that feeling which dictates the agreeing to these particular articles. The United States Government will simply say—well, if you do not like these arrangements reject them—and the consequence will be on your own head if this friendship so auspiciously commenced is at any time broken by unhappy collisions in your waters.

Hon. Mr. J. A. Macdonald.

Recess
 I am afraid I must apologize to the House for the uninteresting manner in which I have laid the subject before the House so far. I was shewing as well as I could my opinion, and my reasons for that opinion, that under the circumstances, the Treaty, although it is not what we desired, and although it is not what I pressed for, ought to be accepted. I shall not pursue that branch of the subject to greater length, as during the discussion of the measure I have no doubt that I shall have again an opportunity to reurge these and further views on the same subject as they may occur to me, or as they may be elicited. I shall however call the serious attention of the House, and especially of those members of the House who have given attention to the question in dispute as regards the validity of the several Treaties between the United States and England, to the importance of this Treaty in this respect, that it sets at rest now and for ever the disputed question as to whether the Convention of 1818 was not repealed, and obliterated by the Treaty of 1854. This question, Mr. Speaker, is one that has occupied the attention of the United States Jurists and has been the subject of serious and elaborate discussions. From my point of view the pretension of the United States is erroneous, but it has been pressed, and we know the pertinacity with which such views are pressed by the United States. We have an example in the case of the navigation of the river St. Lawrence, which while it was discussed from 1822 to 1828, and was apparently settled then for ever between the two nations, was revived by the President of the United States in his address of 1870, and the difference between the point of view as pressed in 1828, by the United States and that pressed in 1870 was shewn by the result of the Treaty [Hon. Mr. Blake, "hear, hear."] And, Sir, it was of great importance in my point of view that this question, which has been so pressed by American jurists, and considering also the pertinacity with which such views are urged, should be set at rest for ever. The question has been strongly put in the American Law Review of April, 1871, in an article understood to have been written by Judge Pomeroy, a jurist of standing in the United States, and that paper, I believe, expresses the real opinion of the writer—erroneous though I hold it to be—and his candour is shown by this fact, as well as from the known standing of the man, that in one portion

of the article he demolishes the claim of the American fishermen to the right to trade in our water. He proves in an able argument that the claim of American fishermen to enter our harbors for any purpose other than wood, water, and shelter, is without foundation. The view taken by that writer and others,—and among others by a writer whose name I do not know, but whose papers are very valuable from their ability, they appeared in the *N. Y. Nation*, is this: The Treaty of 1783 was a treaty of peace, a settlement of boundary, and a division of country between two nations. The United States contended that that Treaty was in force, and is now in force, as it was a treaty respecting boundary, and was not abrogated or affected by the War of 1812. Under the Treaty of 1783, and by the terms of that Treaty, the fishermen of the United States had the unrestrained right to enter into all our waters up to our shores, and to every part of British North America. After 1815 England contended that that permission was abrogated by the war and was not renewed by the Treaty of Peace of 1814. The two nations were thus at issue on that very grave point, and those who look back to the history of that day will find that the difference on that point threatened the renewal of war, and it was only settled by the compromise known as the Convention of 1818, by which the claim of the Americans to fish within three miles of our shores, was renounced. The argument, is however, of a nature too technical to be of interest to the House, and requires to be very carefully studied before it can be understood, I will not therefore trouble the House with that argument but I will read one or two passages to shew the general statement of the case.

"We shall now enquire whether the convention of 1818, is an existing compact, and if not, what are the rights of American fishermen under the treaty of peace of 1783."

"Since the expiration of the reciprocity treaty in 1866, the British Government, both at home and in the provinces, has, in its statutes, its official instructions, and its diplomatic correspondence, quietly assumed that the convention of 1818 is again operative in all its provisions. That the State Department at Washington should by its silence have admitted the correctness of this assumption, which is equally opposed to principle and to authority, is remarkable. We shall maintain the proposition that the treaty of peace of

"1783 is now in full force, that all limitations upon its efficiency have been removed, and that it is the only source and foundation of American fishing rights within the North Eastern Territorial waters. In pursuing the discussion we shall show, first, that the renunciatory clauses of the convention of 1818 have been removed; and secondly, that article III of the Treaty of 1783 thus left free from the restrictions of the subsequent compact, was not abrogated by the war of 1812."

The writer thus concludes :

"Article III of the Treaty of 1783 is therefore in the nature of an executed grant. It created and conferred at one blow rights of property, perfect in their nature, and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States, and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this Treaty, American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fishermen use, and also on all the coasts, bays, and creeks, of all other His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands and Labrador.

"The final conclusion thus reached is sustained by principle and by authority. We submit that it should be adopted by the Government of the United States, and made the basis of any further negotiations with Great Britain."

I quote this for the purpose of shewing that the pretension was formally set up and elaborated by jurists of no mean standing or reputation, and therefore it is one of the merits of this Treaty that it forever sets the dispute at rest. The writers on this subject, the very writers of whom I have spoken, admit that under this treaty the claim is gone, because it is a formal admission by the United States Government that under the convention of 1818, we had on the 8th of May, 1871, the property in these inshore fisheries, and this was so admitted after the question had been raised in the United States, that the ratification of the treaty of 1854 was equal in its effect to an abrogation of the convention of 1818. They agree by this treaty, to buy their entry into our waters, and this is the strongest possible proof that their argument could be no longer maintained. Just

as the payment of rent by a tenant is the strongest proof of his admission of the right of the landlord, so is the agreement to pay to Canada a fair sum as an equivalent for the use of our fisheries, an acknowledgment of the permanent continuance of our right. So much, sir for that portion of the treaty which affects the fisheries. I alluded a minute ago to the St. Lawrence. The surrender of the free navigation of the River St. Lawrence in its natural state, was resisted by England up to 1828. The claim was renewed by the present Government of the United States, and asserted in a message to Congress by the present President of the United States. Her Majesty's Government in the instructions sent to Her Commissioners took the power and responsibility of this matter into her own hands. It was a matter which we could not control. Being a matter of boundary between two nations, and affecting a river which forms the boundary between the limits of the Empire and the limits of the United States, it is solely within the control of Her Majesty's Government, and in the instructions to the plenipotentiaries this language was used : "Her Majesty's Government are now willing to grant the free navigation of the St. Lawrence to the citizens of the United States on the same conditions and tolls imposed on British subjects." I need not say, sir, that as a matter of sentiment I regretted this, but it was a matter of sentiment only. However, there could be no practical good to Canada in resisting the concession, and there was no possible evil inflicted on Canada by the concession of the privilege of navigating that small piece of broken water between St. Regis and Montreal. In no way could it affect prejudicially the interest of Canada, her trade, or her commerce. Without the use of our canals the river was useless. Up to Montreal the St. Lawrence is open not only to the vessels of the United States, but to the vessels of the world, Canada courts the trade and the ships of the world, and it would have been most absurd to suppose that the ports of Quebec and Montreal should be closed to American shipping. No greater evidence short of actual war can be adduced of unfriendly relations than the fact of the ports of a country being closed to the commerce of another. It never entered into the minds of any that our ports should be closed to the trade of the world in general, or the United States in particular, no more than it would enter into the minds of the English to close the ports of London

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or Liverpool—those ports whither the flags of every nation are invited and welcomed (cheers). From the source of the St. Lawrence to St. Regis the United States are part owners of the banks of the river, and by a well-known principle of international law the water flowing between the two banks is common to both, and not only is that a principle of law, but it is a matter of actual treaty. The only question then was whether, as the American people had set their hearts upon it, and as it could do no harm to Canada or to England, it would not be well to set this question at rest with the others, and make the concession. This was the line taken by Her Majesty's Government, and which they had a right to take; and when some one writes my biography—if I am ever thought worthy of having such an interesting document prepared—and when, as a matter of history, the questions connected with this treaty are upheld, it will be found that upon this, as well upon every other point, I did all I could to protect the rights and claims of the Dominion (cheers). Now, sir, with respect to the right itself, I would call the attention of the House to the remarks of a distinguished English jurist upon the point. I have read from the work of an American jurist, and I will now read some remarks of Mr. Phillimore, a standard English writer on International law. What I am about to read was written under the idea that the Americans were claiming what would be of practical use to them. He was not aware that the difficulties of navigation were such that the concession would be of no practical use. He writes as follows:—

“Great Britain possessed the northern shores of the lakes, and of the river in its whole extent to the sea, and also the southern bank of the river from the latitude forty five degrees north to its mouth. The United States possessed the southern shores of the lakes, and of the St. Lawrence, to the point where their northern boundary touched the river. These two governments were therefore placed pretty much in the same attitude towards each other, with respect to the navigation of the St. Lawrence, as the United States and Spain had been in with respect to the navigation of the Mississippi, before the acquisitions of Louisiana and Florida.

“The argument on the part of the United States was much the same as that which they had employed with respect to the navigation of the Mississippi. They referred to the dispute about the opening of the Scheldt in 1784,

“and contended that, in the case of that river, the fact of the banks having been the creation of a *tificial* labour was a much stronger reason, than could be said to exist in the case of the Mississippi for closing the mouths of the set adjoining the Dutch Canals of the Sas and the Swin, and that this peculiarity probably caused the insertion of the stipulation in the Treaty of Westphalia; that the case of the St. Lawrence differed materially from that of the Scheldt, and fell directly under the principle of free navigation embodied in the Treaty of Vienna respecting the Rhine, the Neckar, the Mayne, the Moselle, the Meuse, and the Scheldt. But especially it was urged, and with a force which it must have been difficult to purry, that the present claim of the United States with respect to the navigation of the St. Lawrence, was precisely of the same nature as that which Great Britain had put forward with respect to the navigation of the Mississippi when the mouth and lower shores of that river were in the possession of another State, and of which claim Great Britain had procured the recognition by the Treaty of Paris in 1763.

“The principle argument contained in the reply of Great Britain was, that the liberty of passage by one nation through the dominions of another was, according to the doctrine of the most eminent writers upon International Law, a qualified occasional exception to the paramount rights of property; that it was what these writers called an *imperfect*, and not a *perfect* right; that the Treaty of Vienna did not sanction this notion of a *natural* right to the free passage over rivers, but, on the contrary, the inference was that, not being a *natural* right, it required to be established by a *convention*; that the right of passage once conceded must hold good for other purposes besides those of trade in peace, for hostile purposes in time of war; that the United States could not consistently urge their claim on principle without being prepared to apply that principle by way of reciprocity, in favor of British subjects, to the navigation of the Mississippi and the Hudson, to which access might be had from Canada by land carriage or by the canals of New York and Ohio.

“The United States replied, that practically the St. Lawrence was a strait, and was subject to the same principles of law; and that as *straits* are accessory to the seas which they unite and therefore the right of navigating them

"is common to all nations, so the St. Lawrence connects with the ocean those great inland lakes, on the shores of which the subjects of the United States and Great Britain both dwell; and, on the same principle, the natural link of the river, like the natural link of the strait, must be equally available for the purposes of passage by both. The passage over land, which was always pressing upon the minds of the writers on International Law, is intrinsically different from a passage over water; in the latter instance, no detriment or inconvenience can be sustained by the country to which it belongs. The track of the ship is effaced as soon as made; the track of an army may leave serious and lasting injury behind. The United States would not 'shrink' from the application of the analogy with respect to the navigation of the Mississippi, and whenever a connection was effected between it and Upper Canada, similar to that existing between the United States and the St. Lawrence, the same principle should be applied. It was, however, to be recollected, that the case of rivers which both rise and disembogue themselves within the limits of the same nation is very distinguishable, upon principle, from that of rivers which, having their sources and navigable portions of their streams in States above, discharge themselves within the limits of other States below.

"Lastly, the fact, that the free navigation of rivers had been made a matter of convention did not disprove that this navigation was a matter of *natural right* restored to its proper position by Treaty.

"The result of this controversy has hitherto produced no effect. Great Britain has maintained her exclusive right. The United States still remain debarred from the use of this great highway, and are not permitted to carry over it the produce of the vast and rich territories which border on the lakes above to the Atlantic ocean.

"It seems difficult to deny that Great Britain may ground her refusal upon strict law; but it is at least equally difficult to deny, first, that in so doing she exercises harshly an extreme and hard law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small tract of domain in which the Mississippi took its rise, she insisted on her right to

"navigate the entire volume of its waters; on the ground that she possesses both banks of the St. Lawrence where it disembogues itself into the sea, she denies to the United States the right of navigation though about one half of the waters of lakes Ontario, Erie, Huron and Superior, and the whole of Lake Michigan through which the river flows, are the property of the United States.

"An English writer upon International Law cannot but express a hope, that this *summum jus*, which in this case approaches to *summa injuria* may be voluntarily abandoned by his country. Since the late revolution in the South American Provinces, by which the dominion of Rosas was overthrown, there appears to be good reason to hope that the States of Paraguay, Bolivia, Buenos Ayres, and Brazil, will open the River Parana, to the navigation of the world."

On reading a report of a speech of my hon. friend the member for Lambton on this subject—a very able and interesting speech, if he will allow me so to characterize it—I find that in speaking of the navigation of Lake Michigan, he stated that that lake was as much a portion of the St. Lawrence as the river itself. I do not know under what principle my hon. friend made that statement, but those inland seas are seas as much as the Black Sea is a sea and not a river. The lake is enclosed on all sides by the United States territory; no portion of its shores belongs to Canada, and England has no right by international law to claim its navigation. Sir, she never has claimed it, for if my hon. friend will look into the matter, he will find that these great lakes have ever been treated as inland seas, and as far as magnitude is concerned, are worthy of being so treated. Although Her Majesty's Commissioners pressed that the navigation of Lake Michigan should be granted as an equivalent for the navigation of the St. Lawrence, the argument could not be based on the same footing, and we did not and could not pretend to have the same grounds. It is, however, of little moment whether Canada has a grant by treaty of the free navigation of Lake Michigan or not, for the cities on the shores of that lake would never consent to have their ports closed, and there is no fear in the world of our vessels being excluded from those ports. The Western States, and especially those bordering on the Great Lakes, would resist this to the death. I would like to see a Congress that would venture to close the ports of Lake Michigan to the shipping of England, or of Canada, or of the world.

Hon. Sir J. A. Macdonald.

The small portion of the St. Lawrence which lies between the two points I have mentioned would be of no use, as there is no advantage to be obtained therefrom as a lever to obtain reciprocity.

Hon. Mr. MACKENZIE: Hear, hear.

Hon. Sir JOHN A. MACDONALD: My hon. friend says "Hear, hear," but I will tell him that the only lever for the obtaining of reciprocity is the sole control of our canals. So long as we have the control of these canals we are the masters, and can do just as we please. American vessels on the down trip can run the rapids, if they get a strong Indian to steer, but they will never come back again unless Canada chooses, (hear.) The keel drives through those waters and then the mark disappears forever, and that vessel will be forever absent from the place that once knew it unless by the consent of Canada. Therefore as I pointed out before the recess as we had no lever in our fisheries, to get Reciprocity, so we had none in the navigation of the St. Lawrence in its natural course. The real substantial means to obtain reciprocal trade with the United States is in the canals, and is expressly stated in the Treaty; and when the treaty in clause 27 which relates to the canals uses the words—"The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland and St. Lawrence, and other canals in the Dominion on terms of equality, &c.," it contains an admission by the United States, and it is of some advantage to have that admission, that the canals are our own property, which we can open to the United States as we please. The reason why this admission is important is this; article 26 provides that "the navigation of the River St. Lawrence ascending and descending from the 45th parallel of north latitude where it ceases to form the boundary between the two countries from to and into the sea shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privileges of free navigation." Therefore lest it might be argued that as at the time the treaty was made it was known that for the purpose of ascent the river could not be overcome in its natural course, the provision granting the right of ascent must be held to include the navigation of the Canals, through which alone the ascent could be made. And so the next clause provides and specifies that these canals are specially within the

control of Canada and the Canadian Government, and prevents any inference being drawn from the language of the preceding article. I know, sir that there has been in some of the newspapers a sneer cast upon the latter paragraph of that article which gives the United States the free use of the St. Lawrence,—I refer to that part of the article which gives to Canadians the free navigation of the rivers Yukon, Porcupine and Stikine.

Hon. Mr. MACKENZIE—Hear, hear.

Hon. Sir JOHN A. MACDONALD—My hon. friend again says "hear, hear." I hope that he will hear, and perhaps he will hear something he does not know, (hear, hear.) I may tell my hon. friend that the navigation of the River Yukon is a growing trade, and that the Americans are now sending vessels and are fitting out steamers for the navigation of the Yukon. I will tell my hon. friend that at this moment United States vessels are going up that river and are underselling the Hudson's Bay people in their own country, (hear, hear), and it is a matter of the very greatest importance to the Western country that the navigation of these rivers should be open to the commerce of British subjects, and that access should be had by means of these rivers, so that there is no necessity at all for the ironical cheer of my hon. friend. Sir, I am not unaware that under an old treaty entered into between Russia and England the former granted to the latter the free navigation of these streams, and for the free navigation of all the streams in Alaska. But that was a treaty between Russia and England, and although it may be argued, and would be argued by England, that when the United States took that country from Russia it took it with all its obligations; yet, Mr. Speaker, there are two sides to that question. The United States, I venture to say, would hang an argument upon it, and I can only tell my hon. friend that the officers of the United States have exercised authority in the way of prohibition or obstruction, and have offered the pretext that that was a matter which had been settled between Russia and England, that the United States now had that country, and would deal with it as they chose, and therefore, as this was a treaty to settle all old questions, and not to raise new ones, it was well that the free navigation of the rivers I have mentioned, should be settled at once between England and the United States, as before it had been between England and Russia. Before leaving the question of the St. Lawrence, I will make one remark, and will then proceed to another topic, and that is, that the article in question does not in

any way hand over or divide any proprietary rights on the River St. Lawrence, or give any sovereignty over it, or confer any right whatever, except that of free navigation. Both banks belong to Canada—the management, the regulation, the tolls, the improvement, all belong to Canada. The only stipulation made in the Treaty is that the United States vessels may use the St. Lawrence on as free terms as those of Canadian subjects. It is not a transfer of territorial rights—it is simply a permission to navigate the river by American vessels, that the navigation shall ever remain free and open for the purpose of commerce (and only for the purpose of commerce) “to citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with the privilege of free navigation.” Now, Mr. Speaker, I shall allude to one of the subjects included in the Treaty, which relate to the navigation of our waters, although it was not contemplated in the instructions given to the British Commissioners by Her Majesty’s Government, in fact the subject was scarcely known in England, and that is what is known as the St. Clair Flats question. It is known that the waters of the River St. Clair and the waters of Lake St. Clair divide the two countries, that the boundary line which divides them is provided by treaty, that the Treaty of 1842 provides that all the channels and passages between the islands lying near the junction of the River St. Clair with the Lake, shall be equally free to both nations, so that all those channels were made common to both nations, and are so now. Canada has made appropriations for the purpose of improvement of these waters. There were also appropriations made—I forget whether by the United States or by the State of Michigan, or by private individuals—for the purpose of improving the waters, and the United States made a canal in and through the St. Clair Flats. The question then arose whether that canal was in Canadian territory or within that of the United States. I have no doubt that the engineering officers appointed by the United States to choose the site of the canal, and to construct it, acted in good faith in choosing the site, believing that it was in the United States, and from all I can learn, subsequent observations proved that to be the case.

Hon. Mr. MACKENZIE: Hear, hear.

Hon. Sir JOHN A. MACDONALD: My hon. friend says “Hear, hear,” and I have

no doubt he will give us an argument, and an able one, too, as he is quite competent to do, to show that under the Treaty this canal is in Canada. An argument might be founded in favor of that view from the language of the report of the International Commissioners appointed to determine the boundary between the two countries, that is, if we looked at the language alone and combined with that language the evidence of those accustomed of old to navigate these waters. I admit that an argument might be based on the language of the report when it speaks of the old ship channel, and that the evidence and statements that have been made as to the position of that channel, might have left it a matter of doubt whether the canal or a portion of it was within the boundary of Canada, but the Commissioners not only made a report, but they added to it a map, to which they placed their signatures, and any one reading the report with the map and holding the map as a portion of the report, will see that this canal is in the United States. It might, but for the Treaty of Washington, have been unfortunate that it is so because it might, perhaps, have impeded the navigation of the flats by Canadian vessels. But the question is whether, under the old treaty, and the report and map made according to its provisions [which report and map form, in fact, a portion of such treaty] the canal is within the United States boundary or not. When the point was raised that the map was inconsistent with the report, Her Majesty’s Government I have no doubt under the advice of Her Majesty’s legal advisers, said it was a point that would not admit of argument, that the two must be taken together and that the map explained and defined the meaning of the language of the report. But sir, “out of the nettle danger we pluck the flower safety.” The House will see by looking at the clause I referred to, that it is a matter of no consequence whether the canal is in the United States or Canada, because for all time to come that canal is to be used by the people of Canada on equal terms with the people of the United States. In the speech of my hon. friend to which I have referred, that canal he says is only secured to Canada during the ten years mentioned with reference to the fishery articles of the treaty. I say it is secured for all time, just as the navigation of the St. Lawrence is given for all time. The United States have gone to the expense of building the canal, and now we have the free use of it. If the United States put on a toll there we pay no greater toll than United States citizens, and it

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is of the first and last advantage to the commerce of both nations that the deepening of these channels should be gone on with; and I can tell my hon. friend, moreover, that in this present Congress there is a measure to spend a large additional sum of money on this canal out of the revenues of the United States for that object. So much for the St. Clair Flats. Now, sir, as to some of the advantages to be gained by the Treaty, I would call the attention of the House to the 29th article, which ensures for the whole time of the existence of the Treaty, for twelve years at least, the continuance of "the bonding system." We know how valuable that has been to us, how valuable during the winter months when we are deprived of the use of our own seaports on the St. Lawrence. The fact that the American press has occasionally called for the abolition of the system is a proof of the boon which they considered it to be. They have said at times when they thought an unfriendly feeling existed towards them in Canada, that if Canadians *would* be so bumptious, they should be deprived of this system, and allowed to remain cooped up in their frozen country. If the United States should ever commit the folly of injuring their carrying trade by adopting a hostile policy in that respect, and they have occasionally, as we know, adopted a policy towards us adverse to their commercial interest they could have done so before this Treaty was ratified—they cannot do so now. For twelve years we have a right to the bonding system from the United States over all their avenues of trade, and long before that time expires, I hope we shall have the Canadian Pacific Railway reaching to the Pacific Ocean, and with the Intercolonial Railway reaching to Halifax, we shall have an uninterrupted line from one seaboard to the other (cheers). This is one of the substantial advantages that Canada has gained by this Treaty. Then, sir, the 30th article conveys a most valuable privilege to the railways of Canada that are running from one part of the country to another, and I must take the occasion to say that if this has been pressed upon the consideration of the American Government and American Commissioners at Washington, during the negotiation, much of the merit is due to the hon. member for Lincoln (Mr. Merritt). He it was who supplied me with the facts, he it was who called attention to the great wrong to our trade by the Act of 1866, and impressed by him with the great importance of the subject, I was enabled to urge the adoption of this article and to

have it made a portion of the treaty. Now sir, that this is of importance, you can see by reading the Buffalo papers. Sometime ago they were crying out that the entrance had been made by this wedge which was to ruin their coasting trade, and that the whole coasting trade of the lakes was being handed over to Canada. Under this clause if we choose to accept it, Canadian vessels can go to Chicago, can take American produce from American ports, and can carry it to Windsor or Collingwood, or the Welland Railway. That some American produce can be sent in bond from those and other points along our Railways, giving the traffic to our vessels by water and our railways by land, to Lake Ontario, and can then be re-shipped by Canadian vessels to Oswego, Ogdensburg, or Rochester, or other American ports; so that this clause gives us in some degree a relaxation of the extreme, almost harsh exclusive coasting system of the United States (hear,) and I am quite sure that in this age of railways and when the votes and proceedings show that so many new Railway undertakings are about to start this will prove a substantial improvement on the former state of affairs. There is a provision that if, in the exercise of our discretion, we choose to put a differential scale of tolls on American vessels passing through our canals, and if New Brunswick should continue her export duties on lumber passing down the river St. John, the United States may withdraw from this arrangement so that it will be hereafter, if the treaty be adopted, and this act passed, a matter for the consideration of the Government of Canada in the first place, and of the legislature in the next, to determine whether it is expedient for them to take advantage of this boon that is offered to them. As to the expediency of their doing so, I have no doubt, and I have no doubt Parliament will eagerly seek to gain and establish those rights for our ships and railways, (hear, hear.) The only other subject of peculiar interest to Canada in connection with the treaty—the whole of it of course is interesting to Canada as a part of the Empire, but speaking of Canada as such and of the interest taken in the treaty locally—the only other subject is the manner of disposing of the San Juan boundary question. That is settled in a way that no one can object to. I do not know whether many hon. members have ever studied that question. It is a most interesting one, and has long been a cause of controversy between the two countries. I am bound to uphold, and I do uphold, the British view respecting the channel which

forms the boundary as the correct one. The United States Government were, I believe, as sincerely convinced of the justice of their own case. Both believed they were in the right, both were firmly grounded in that opinion; and such being the case there was only one way of it, and that was to leave it to be settled by impartial arbitration. I think the House will admit that no more distinguished arbiter could have been selected than the Emperor of Germany. In the examination and decision of the question he will have the assistance of as able and eminent jurists as any in the world, for there is no where a more distinguished body than the jurists of Germany, who are especially familiar with the principles and practice of international law. Whatever the decision may be, whether for England or against it, you may be satisfied that you will get a most learned and careful judgment in the matter, to which we must bow if it is against us, and to which I am sure the United States will bow if it is against them (hear, hear.) I think, Sir, I have now gone through all the articles of interest connected with Canada, I shall now allude to one omission from it and then I shall have done; and that is the omission of all allusion to the settlement of the Fenian claims. That Canada was deeply wronged by those outrages known as the Fenian raids is indisputable. England has admitted it and we all feel it. We felt deeply grieved when those raids were committed, and the belief was general in which I must say I share that sufficient vigilance, and due diligence were not exercised by the American Government to prevent the organization within their territory of bands of armed men openly hostile to a peaceful country, and to put an end to incursions by men who carried war over our borders, slew our people and destroyed our property. It was therefore proper for us to press upon England to seek compensation at the hands of the American Government for these great wrongs. As a consequence of our position as a dependency we could only do it through England. We had no means or authority to do it directly ourselves; and consequently we urged our case upon the attention of England, and she consented to open negotiations with the United States upon the subject. In the instructions it is stated that Canada had been invited to send in a statement of her claims to England and that it had not done so; and I dare say it will be charged—indeed, I have seen it so stated in some of the newspapers—that that was an instance of Can-

adian neglect. Now, it is not an instance of Canadian neglect, but an instance of Canadian caution, (hear, hear.) Canada had a right to press for the payment of those claims whatever the amount; for all the money spent to repel those incursions had been taken out of the public treasury of Canada and had to be raised by the taxation of the country. Not only had they right to press for that amount, but every individual Canadian who suffered in person or property because of those raids had a right to compensation. It was not for Canada, however, to put a limit to those claims, and to state what amount of money would be considered as a satisfactory liquidation of them. It has never been the case, when commissions have been appointed for the settlement of such claims to hand in those claims in detail before the sitting of the commission. What Canada pressed for was that the principle should be established, that the demand should be made by England upon the United States, that that demand should be acquiesced in, that the question of damages should be referred to a tribunal like that now sitting at Washington for the investigation of claims connected with the civil war in the South, that time should be given within which the Canadian Government as a Government and every individual Canadian who suffered by those outrages should have an opportunity of filing their claims, of putting in an account and of offering proof to establish their right to an indemnity. The Canadian Government carefully avoided by any statement of their views the placing of a limit upon those claims in advance of examination by such a commission; and I think the House and country will agree that we acted with due discretion in that respect, (hear, hear). Now, one of the protocols will show the result of the demand for indemnity. The demand was made by the British Commissioners that this question should be discussed and considered by the commission, but the United States Commissioners' objected, taking the ground that the consideration of these claims was not included in the correspondence and reference. In doing that they took the same ground that my hon. friend the member for Sherbrooke, with his usual acuteness and appreciation of the value of language, took when the matter was discussed in this House before my departure for Washington. He said then that he greatly doubted whether under the correspondence which led to the appointment of the High Commission it could be held that the Fenian claims were to be

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considered; and although my hon. friend the Minister of Militia thought it might fairly be held that those claims were included, I myself could not help feeling the strength of the argument advanced by the hon. member for Sherbrooke, and I stated at the time that I thought there was great weight in the objection which he pointed out. The American Commissioners, as the event proved, raised that objection, maintaining that the point was not included in the correspondence in which the subjects of deliberation were stated, and when it was proposed to them by the British Commissioners, the American Commissioners declined to ask their Government for fresh instructions to enlarge the scope of their duty in that respect. Now, we could not help that. There was the correspondence to speak for itself, and it was matter of considerable doubt whether those claims were included in it. The British ambassador represented that he had always thought that the correspondence did include them; and he was struck with surprise—perhaps I ought not to say surprise, for that was not the expression he used—but he was certainly under the impression that it had been regarded by all parties that they were covered by the correspondence. Still, let any one read those letters, and he will find it is very doubtful. As it was doubtful, and as objection was raised on that ground, the British Commissioners had no power to compel the American Commissioners to determine the doubt in their favor, and force these claims upon their consideration. The consequence was that they were omitted from the deliberations of the Commission. Whose fault was that? Certainly not ours. It was the fault of Her Majesty's Government in not demanding in clear language, in terms which could not be misunderstood, that the investigation of these claims should be one of the matters dealt with by the Commission (hear, hear). It was a great disappointment to my colleagues in Canada, that the objection was taken, and that all hope of getting redress for the injury done by those Fenian raids was destroyed so far as the Commission at Washington was concerned, in consequence of the defective language of the correspondence and the defective nature of the submission to the Commissioners. Now, England was responsible for that error. England had promised to make the demand, and England had failed to make it. Not only that, but Her Majesty's Government took the responsibility of withdrawing the claims altogether, and Mr. Gladstone fully assumed all the respon-

sibility of this step, and relieved the Canadian Government from any share in it, when he stated openly in the House of Commons that the Imperial Government had seen fit to withdraw the claims, but that they had done so with great reluctance and sorrow for the manner in which Canada had been treated. Canada, therefore, had every right to look to England for that satisfaction which she failed to receive through the inadequacy of the correspondence to cover the question. England, by taking the responsibility of declining to push the claims put herself in the position of the United States, and we had a fair and reasonable right to look to her to assume the responsibility of settling them. She did not decline that responsibility, and the consequence has been that although we failed to obtain redress from the United States for those wrongs, we have had an opportunity of securing compensation from England, which would not have been offered to us if it had not been for the steps taken by this Government [hear, hear]. But, sir, we are told that it is a great humiliation for Canada to take this money, or rather this money's-worth. Why, it is our due. We are entitled to it, and we must have it from some one. England refused to ask it for us from the United States, and she accepted all the responsibility which that refusal involved. She was wise in accepting that responsibility; she must take the consequences, and she is willing to do so. But the Canadian Government, on the other hand, were unwilling that the compensation which England thus acknowledged was due to us by her should take a direct pecuniary form. We were unwilling that it should be the payment of a certain amount of money, and there were several strong reasons why we should prefer not to accept reparation in that shape. In the first place, if a proposal of that kind were made, it would cause a discussion as to the amount to be paid by England of a most un-pleasant character. We would have the spectacle of a judge appointed to examine the claims in detail, with Canada pressing her case upon his attention, and England probably resisting in some cases, and putting herself in an antagonistic position which should not be allowed to occur between the Mother Country and the colony. It was, therefore, in the last degree unadvisable that the relations between Canada and the Mother Country, which throughout have been of so friendly and pleasant a character, should be placed in jeopardy in that way; and accordingly a suggestion was made by us which, without

causing England to expend a sixpence, or putting the least additional burden upon her people, would, if acted upon, do us more good, and prove of infinitely greater advantage than any amount of mere money compensation we could reasonably expect. This was a mode of disposing of the question in the highest degree satisfactory to both countries, and one which does not in the least compromise our dignity or our self respect. (Hear, hear) The credit of Canada, thank God, is well established; her good faith is known wherever she has had financial dealings. Her Majesty's Government can go to the House of Commons and ask for authority to guarantee a Canadian loan with a well-grounded assurance that the people of England will never be called upon to put their hands in their pockets or tax themselves one farthing to pay it. (Cheers) At the same time the Imperial Government, by giving us this guarantee grants us a boon the value of which in enabling us to construct the great works of public improvement we have undertaken was explained the other day so ably and in a manner that I would not attempt to imitate by my hon. friend the Finance Minister. Besides the double advantage to ourselves in getting the endorsement of England without disadvantage to the English people, there is to be considered the great, the enormous benefit that accrues to Canada from this open avowal on the part of England of the interest she takes in the success of our great public enterprises. (Cheers) No one can say now when she is sending out one of her distinguished statesmen to take the place of the nobleman who now so worthily represents Her Majesty in the Dominion; no one can say when England is aiding us by endorsing a loan spreading over so many years, and which will not be finally extinguished till most of us now here will have been gathered to our fathers; no one can say under these circumstances she has any idea of separating herself from us and giving up the colonies. [Cheers] The solid substantial advantage of being able to obtain money on better terms than we could on our own credit alone is not the only benefit this guarantee will confer upon us; for it will put a finish at once to the hopes of all dreamers or speculators who desire or believe in the alienation and separation of the colonies from the Mother Country. That is a more incalculable benefit than the mere advantage of England's guarantee of our financial stability, great and important as that is. [Loud cheers] Aye, but it is said that it is a humiliation to make a bargain

of this kind. Why, Sir, it was no humiliation in 1841 to obtain an Imperial guarantee for the loan necessary to construct the canals originally. It was not considered a humiliation to accept a guarantee for £1,400,000 in 1865 for the purpose of building fortifications, nor was it a humiliation to obtain £4,000,000 upon a similar guarantee to construct the Intercolonial railway. Why is it a humiliation then in this case to accept the guarantee when England voluntarily comes forward and accepts the responsibility for withdrawing our claims in respect to the Fenian raids. It was by no prompting from us that that responsibility was assumed, for Mr. Gladstone rose of his own motion in the House of Commons and by accepting the responsibility admitted that it should take a tangible shape. It did take such a shape, and I say a most satisfactory shape in the guarantee of £2,500,000 immediately and we may say £4,000,000 in all ultimately. [Cheers] But I hear it objected that Canada ought not to have made a bargain at all. She should have allowed the Fenian claims to go and dealt with the Treaty separately, accepting or rejecting it on its merits. Sir, Canada did not make a bargain of that kind, but she went fairly and openly to her Majesty's Government and said: Here is a Treaty that has been negotiated through your influence and which affects important commercial interests in this country. It is unpopular in Canada in its commercial aspect, but it is urged on us for Imperial causes and for the sake of the peace of the Empire, but the pecuniary interests of Canada should, in the opinion of the Canadian Government, be considered; and the undoubted claim of Canada for compensation for these, Fenian outrages has been set aside. We may well therefore call upon you to strengthen our hands by shewing that you are unwilling to sacrifice Canada altogether for Imperial purposes solely. Sir we asked that for Canada, and the response was immediate and gratifying, except that England did not accept the whole of our proposition to guarantee a loan of £4,000,000. But I am as certain as I am standing in this House, and I am not speaking without book, that had it not been for the unfortunate cloud that arose between the United States and England, which threatened to interrupt the friendly settlement of all questions between them, but which I am now happy to say is passing away, the difficulty would have been removed by England permitting us to add to the £2,500,000, £1,400,000 which she guaranteed some years since to be expended on

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fortifications and other defensive preparations. That money had not been expended, and there would now have been no object in applying it for the construction of works which would have been a standing menace to the United States, and which would have been altogether out of place immediately after signing a treaty of peace and amity. I do not hesitate to say, and I repeat I am not speaking without book, that I believe a proposition of that kind would have been acceptable to Her Majesty's Government, but when the cloud arose, when there was a possibility of this Treaty being held as a nullity, and when there was danger of the relations between the two countries returning to the unfortunate position in which they were before—then was not the time for England to ask us, or for us to propose to give up the idea of fortifying our frontier and defending our territory. Then was not the time either for the Canadian Government to shew an unwillingness to spend money upon these works, or to defend and retain the Dominion as a dependency of the Sovereign of England, (cheers.) I say, therefore, that while we are actually receiving a guarantee of £2,500,000, if the relations of England and the United States are again brought into harmony, and the lowering cloud which recently sprung up is removed, and removed in such a way as never to appear again, then it may fairly be thought, it may reasonably be calculated upon, that we will have a guarantee of the full amount of £4,000,000 in order to carry out the great improvements we have entered upon. The Finance Minister has shewn you the advantages which will flow from that arrangement, and it would be presumption in me to add a word to what he so well said upon that point which was in the highest degree satisfactory to this House and in the highest degree also satisfactory to the people of the country. I shall now move the first reading of this Bill, and I shall simply sum up my remarks by saying that with respect to the Treaty I consider that every portion of it is unobjectionable to the country, unless the articles connected with the fisheries may be considered objectionable. With respect to those articles, I ask this House fully and calmly to consider the circumstances, and I believe, if they fully consider the situation, that they will say it is for the good of Canada that those articles should be ratified. Reject the Treaty, and you do not get reciprocity; reject the Treaty, and you leave the fishermen of the Maritime Provinces at the mercy of the Americans; reject the Treaty, and you

will cut the merchants engaged in that trade off from the American market. Reject the Treaty and you will have a large annual expenditure in keeping up a marine police force to protect those fisheries, amounting to about \$84,000 per annum. Reject the Treaty, and you will have to call upon England to send her fleet and give you both her moral and physical support, although you will not adopt her policy; reject the Treaty, and you will find that the bad feeling which formerly and until lately existed in the United States against England will be transferred to Canada; that the United States will say, and say justly, "Here, when two great nations like England and the United States have settled all their differences and all their quarrels upon a perpetual basis, these happy results are to be frustrated and endangered by the Canadian people, because they have not got the value of their fish for ten years" (cheers). It has been said by the honorable gentleman on my left (Mr. Howe), in his speech to the Young Men's Christian Association, that England had sacrificed the interests of Canada. If England has sacrificed the interests of Canada, what sacrifice has she not made in the cause of peace. Has she not, for the sake of peace between those two great nations, rendered herself liable, leaving out all indirect claims, to pay millions out of her own treasury? Has she not made all this sacrifice, which only Englishmen and English statesmen can know, for the sake of peace—and for whose sake has she made it? Has she not made it principally for the sake of Canada? (loud cheers). Let Canada be severed from England—let England not be responsible to us, and for us, and what could the United States do to England? Let England withdraw herself into her shell, and what can the United States do? England has got the supremacy of the sea—she is impregnable in every point but one, and that point is Canada; and if England does call upon us to make a financial sacrifice: does find it for the good of the Empire that we, England's first colony, should sacrifice something, I say that we would be unworthy of our proud position if we were not prepared to do so. (Cheers.) I hope to live to see the day, and if I do not that my son may be spared to see (Canada the right arm of England, (cheers) to see Canada a powerful auxiliary to the Empire, not as now a cause of anxiety and a source of danger. And I think that if we are worthy to hold that

position as the right arm of England, we should not object to a sacrifice of this kind when so great an object is attained, and the object is a great and lasting one. It is said that amities between nations cannot be perpetual. But I say that this Treaty which has gone through so many difficulties and dangers, if it is carried into effect, removes almost all possibility of war. If ever there was an irritating cause of war, it was from the occurrences arising out of the escape of those vessels, and when we see the United States people and Government forget this irritation, forget those occurrences, and submit such a question to arbitration, to the arbitration of a dis-interested tribunal, they have established a principle which can never be forgotten in this world. No future question is ever likely to arise that will cause such irritation as the escape of the *Alabama* did, and if they could be got to agree to leave such a matter to the peaceful arbitrament of a friendly power, what future cause of quarrel can in the imagination of man occur that will not bear the same pacific solution that is sought for in this. I believe that this Treaty is an epoch in the history of civilization, that it will set an example to the wide world that must be followed; and with the growth of the great Anglo-Saxon family, and with the development of that mighty nation to the south of us, I believe that the principle of arbitration will be advocated and adopted as the sole principle of settlement of differences between the English speaking peoples and that it will have a moral influence in the world. And although it may be opposed to the antecedents of other nations that great moral principle which has now been established among the Anglo-Saxon family, will spread itself over all the civilized world (cheers). It is not too much to say that it is a great advance in the history of mankind, and I should be sorry if it were recorded that it was stopped for a moment by a selfish consideration of the interests of Canada. Had the Government of Canada taken the course, which was quite open to them, to recommend Parliament to reject these articles, it might have been a matter of some interest as to what my position would have been. I am here at all events advocating the ratification of the Treaty, and, I may say, notwithstanding the taunts of the hon. gentlemen opposite, that although I was chosen for the position of a Commissioner, certainly because I was a Canadian, and presumably because I was a member of the Canadian Government, yet my commission was given to me as a British

subject, as it was to Sir Stafford Northcote and other members of the Commission. I went to Washington as a Plenipotentiary, as Her Majesty's servant, and was bound by Her Majesty's instructions, and I would have been guilty of dereliction of duty if I had not carried out those instructions. And, sir, when I readily joined under the circumstances in every word of that Treaty with the exception of the Fishery Articles, and when I succeeded in having inserted in the Treaty a reservation to the Government and the people of Canada of the full right to accept or refuse that portion of it, I had no difficulty as to my course (cheers). I did not hesitate to state that if that clause had not been put in, I would have felt it necessary to resign my my commission. I was perfectly aware in taking the course I did in signing the Treaty that I should be subject to reproach. I wrote to my friends in Canada from Washington that well I knew the storm of obloquy that would meet me on my return, and before even I crossed the border I was complimented with the names of Judas Iscariot, Benedict Arnold, &c. The whole vocabulary of Billingsgate was opened against me, but here I am, thank God, to-day, with the conviction that what I did was for the best interests of Canada; and after all the benefits I have received at the hands of my countrymen, and after the confidence that has been accorded me for so many years, I would have been unworthy of that position and that confidence if I were not able to meet reproach for the sake of my country. [Cheers]. I have met that reproach and I have met it in silence. I knew that a premature discussion would only exasperate still more the feelings of those who were arrayed against me, and of those who think more of their party than their country, (loud cheers.) I do not speak particularly of the hon. gentlemen opposite, but I say that the policy of the Opposition is regulated by a power behind the throne which dictates what that policy must be (cheers.) No one ever saw a patriotic policy emanate from that source except on one occasion, and that was when that source was induced by myself to forget party struggles and party feelings for the common good of the country. (Cheers.) I have not said a word for twelve months; I have kept silence to this day thinking it better that the subject should be discussed on its own merits. How eagerly was I watched! If the Government should come out in favor of the treaty then it was to be taken as being a betrayal of the people

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of Canada. If the Government should come out against the treaty, then the first Minister was to be charged with opposing the interests of the Empire. Whichever course we might take they were lying in wait ready with some mode of attack. But "silence is golden," Mr. Speaker, and I kept silence. I believe the sober second thought of this country accords with the sober second thought of the Government, and we come down here and ask the people of Canada through their representatives to accept this treaty, to accept it with all its imperfections, to accept it for the sake of peace, and for the sake of the great Empire, of which we form a part. I now beg leave to introduce the Bill, and to state that I have the permission of His Excellency to do so.

The hon. gentleman resumed his seat at 9:45, after having spoken for four hours and a quarter, amid loud and continued applause from all parts of the House.

The Bill was read a first time, and the second reading fixed for Tuesday, but Sir John A. Macdonald declined to make it the first order for that day.

Hon. Mr. MACKENZIE desired, before the motion was carried, to make a few observations upon the speech of the hon. gentleman. It was not his intention to discuss the Treaty critically to-night. After the long, exhaustive, and able speech of the hon. gentleman, it would be manifestly impossible to enter into a critical debate; that would take place more properly on the second reading of the Bill. He had listened with a great deal of interest, and he might say with a great deal of pleasure, to the hon. gentleman's speech, as it had unfolded very fully his own views, although they did not harmonize with his (Mr. Mackenzie's) or with those who acted with him politically. The hon. gentleman had stated that the course that they—the Opposition—had pursued was one dictated by some power not present in this House. He regretted this statement, because they desired to discuss the Treaty on its merits, although disposed to condemn the action of the hon. gentleman opposite and his associates. He might inform the House that within a few days of the ratification of the Treaty, before a single newspaper in the country had spoken upon it, he delivered a speech to which the honorable gentleman had referred, and the member for West Durham had also expressed his views on the subject about the same time; and those views were in entire harmony with the views he had heard expressed ever since, and with

the views of the entire press of the country. They had the honor of leading public sentiment in this matter, in that direction that they believed honestly to be due to a patriotic feeling for Canada as their country. He was not blind to the advantages that were to be derived from a sacrifice, and he would sacrifice a good deal for the interests of peace. He believed that he was no friend to his country who did not desire to suit his public policy in order to secure that amity and friendship that ought to prevail among nations; and under these circumstances, it was peculiarly desirable, forming as we did in this colony one of the great families of the British race, that we should endeavor by every reasonable and just means to give effect to the measures of the Mother Country, in seeking to secure that amity with that other great branch of the British family on this continent. We believe, however, that there was a limit beyond which we ought not to go. He did not believe that national health, national glory, and national pride were always to be produced by making sacrifices to what is justly called the peace-at-any-price party. It was manifest that if we on this continent, hemmed in as we were by the people of the United States, whose political policy has been singularly aggressive, yielded up merely for the sake of so-called peace every advantage that we possessed within our territory, it would soon become a question how far it would be possible to pursue that policy and retain any trace of national life and public spirit. The hon. gentleman said that he went to Washington simply as a Briton, that it was quite true he was a prominent Canadian, and, no doubt, that that had something to do with offering him the position. He [Mr. Mackenzie] thought from the evidence before the House that it had everything to do with it. We knew that the matter was submitted by the hon. gentleman to his colleagues, and by them approved; that he went to Washington, although this House was in session; that he here announced his appointment; and that he practically solicited leave from the House to proceed there as the representative of Canada. This House afforded him every indulgence, and that was scarcely in accordance with the statement he had ventured to-night, that he knew he would not get fair play. Upon the representations of the hon. gentleman last session, the resolutions of the member for Sherbrooke were not pressed. He believed that if they had been pressed the House would not have refused to adopt them; but the House accepting the

hon. gentleman's declaration that he went there as their representative, they treated him with that magnanimity that he (Mr. Mackenzie) had said then and said now was their proper course. He had no doubt that if those resolutions had been pressed by the hon. member for Sherbrooke, it might have resulted in something more favorable for this country than what was found afterwards to be the case. He found also, from the public accounts, that this country had paid the expenses of the hon. gentleman at Washington as the Canadian representative, and it would not do now, in the face of those facts, to assert that he went there entirely independent, and that he maintained a position here as a member of this House entirely independent of his connection with that Commission. These remarks had been forced from him [Mr. Mackenzie] by the course of the hon. gentleman. He had listened with feelings of a painful conviction that he [Sir John] had taken a step that would produce political consequences of a disastrous kind in the future, that it was a step in that retrogression which marked the decline of a people—a decline in that national spirit that is as essential to the well-being of the country as food is to the life and vitality of man. He had listened to the hon. gentleman's speech with pain, in consequence of another portion of it that referred more particularly to the position of the Mother Country. We were told that England had for some time almost stood alone in Europe, that she was threatened by various nations, and was this a time he [Sir John] asked when we should insist upon our rights, and endanger Britain because of the tendency or desire of the United States to fall upon her when in a state of unpreparedness. Had it come to this, that the Premier of Canada had to make an appeal to the forbearance of Canadians because of the necessities of that great empire of which we form a part? Were we to live as a portion of the British Empire—was Britain herself to live merely by the sufferance of the United States, Russia, and other nations? No other interpretation could be put on his (Sir John's) language than this, that this was a sacrifice demanded of us because of a state of weakness into which the Mother Country had fallen. He (Mr. Mackenzie) denied this. He believed that England still held supremacy over the nations of the world. He (Sir John) afterwards endeavoured to show that the question of the Fisheries was one of very great doubt, he endeavoured to show that by the interpretation put on the Treaty of 1783 by cer-

tain writers in the United States, it was really a matter of doubt whether, under the Convention of 1818, we had the actual right to those fisheries or not. If this was not meant, why introduce the argument at all? Every person who had read International Law knew that the American Government had unconditionally accepted long ago, the fact that Canada had sole jurisdiction three miles outside the coast, from headland to headland. Still, Mr. Commissioner Campbell was sent home, he made his representations to the Imperial Government and out of that comparatively trifling mission to settle a comparatively small subject, they had had this enormous matter brought upon them, whereby they had sold their fisheries and given away their rivers, and allowed and encouraged the American Government to trample on their rights. In order to secure what they had not secured they had made these extraordinary sacrifices. He ridiculed the idea of the American waters containing a certain kind of bait which was essentially necessary to, but could not be obtained by Canadian fishermen unless the treaty was accepted. He was not sufficiently acquainted with the fisheries to deal with the subject critically, but the fisherman had obtained bait in the past, and he thought they could still purchase it in the market as any other article of commerce. He had read that the New Brunswick Legislature was unanimously opposed to the treaty, as its effect, if passed, would be the destruction of their fisheries to a great extent. The hon. gentleman had called attention to what might have happened if there had been no Canadian representative on the Commission at Washington. He (Mr. Mackenzie) could not see the difference between judgment going by default, and the hon. gentleman being present and allowing a wrong judgment to be entered on record. He protested against the remarks of the Minister of Justice, that it was asserted at Washington that rejection of a second treaty might result in war, as he considered that the statement was made more as a threat in order to secure the acceptance of the treaty. He thought that there was not the slightest danger of any trouble arising out of the questions at issue between Canada and the United States. He considered that the statement of the hon. gentleman that if certain things had happened he would not have signed the treaty, and made him personally responsible to Canada. With respect to reciprocity in commercial matters, the British Commissioners appeared to have yielded as soon as request-

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ed by the American Commissioners. He thought the free navigation of the St. Lawrence had taken a strong weapon out of the hands of Canada, as also the giving up of the fisheries, and both without a consideration. Judging from the past, he had no confidence in the Commission to be appointed to value the fisheries. All knew the loss this country sustained through the ignorance or inability of those who were appointed by the English Government to negotiate our boundaries—how the half of New Brunswick was swept away and given to the State of Maine. He was now pointing out what would he believed be the inevitable result of the negotiations. It was always perfectly safe for the American Government to make demands. As the hon. gentleman opposite had said their hearts were set on obtaining access to the St. Lawrence, and therefore he gave it away. Well they would set their hearts on something else within a year they were constantly setting their hearts and their envious eyes on some portion of our territory, and if gentlemen like the hon. gentleman opposite were to be Commissioners, he feared they would obtain what they wanted in regard to the so called compensation for the fisheries. He acknowledged freely that there was a large body of public men in the United States would scorn to adopt the meanness of that class who had urged the consequential damages, and who would scorn to take advantage of any other country in this way, but they knew that to a great extent the mob governed public opinion in that country. They knew that the elections of the President exercised such an influence on public opinion, that the authorities sometimes could not afford to do what was right for fear it should result adversely to themselves and their party. If he was not mistaken a member of the Imperial Government stated in the House of Lords that this was one of the reasons why the Fenian claims could not be insisted on. He recollected in the discussion before the hon. gentleman left for Washington, that he (Mackenzie) insisted that the Fenian claims could not be considered under the order of reference, and the Minister of Finance then maintained that that order did cover the claims, yet now it seemed to be admitted that they were not covered.

Hon. Sir FRANCIS HINCKS—The British Commissioners contended that they were.

Hon. Mr. MACKENZIE denied that this had been contended for, or at any rate the contention was very mild, for the resolution at the close admitted that the claims

were worth very little, by the British Commissioners stating that they would not further urge the settlement of the claims, especially as they were of a constructive and inferential character. If they were of a constructive character he did not think it did much credit to the hon. gentleman representing Canada who had so constructed them (laughter). The hon. gentleman had stated that the action of the House on the tariff last year had prevented him from impressing on the Americans what they ought to do in regard to reciprocity, calling it a "fatal vote." It was very gratifying to see that the Minister of Finance had accepted that reversal of his policy by the House, that the Government endorsed it, and passed it on to its next stage, and yet the leader of the Government now cast reflections on the House and his colleagues for the adoption of this policy. The hon. gentleman said that this caused the difficulty at Washington, whereas they knew that that vote passed on the 22nd of March, whereas the American Commissioners made the offer to allow certain articles to go in free on the 25th of March.

Hon. Sir JOHN A. MACDONALD said they did not know anything of the kind.

Hon. Mr. MACKENZIE maintained that the papers showed the date.

Hon. Sir JOHN MACDONALD said the papers only showed that the last of a series of meetings was held on the 25th of March, whereas the offer was made at an early meeting.

Hon. Mr. MACKENZIE said the excuse made by the hon. gentleman was set aside by the dates, and every one must see the small effect that the legislation would have on the minds of the people of the United States. He had pointed out at the time that it was folly to suppose that the imposition of a tax of \$200,000 upon American products would frighten 40,000,000 of people into reciprocity. It was too late in the day to claim that, but for the action of this House, the result desired by the country would have been obtained, for the hon. gentleman must have known well everything that transpired at Ottawa. Again we were to be told to be thankful, because we still had the Hudson's Bay as a reserve, and that in the course of 12 years we would find good fish there; but we had Hudson's Bay before. Hon. gentlemen had asserted that those who were chiefly interested in the fisheries were very willing that the Treaty should take effect. He did not know how the hon. gentlemen from the Lower Provinces might vote, but he knew how one of the Local Legislatures

had acted, and that a prominent member had made the strongest statements, and he quoted figures from a statement prepared by the Minister of Marine showing how great had been the growth of the fisheries under the system commenced in 1870. The growth was in consequence of our retaining possession and control of the fisheries in our own hands, and not allowing the Americans to ruin them. He also quoted from a speech of a member of the New Brunswick Government to show the strong feelings that pervaded the Province, and said that the Lieut. Governor's speech itself was in the strongest terms in condemnation of the Treaty. He next called attention to a statement of the Premier regarding the navigation of the St. Lawrence. It was true that while the words literally sought to be construed as giving Americans no control over the canals, the hon. Premier would soon find if he refused them the use of those works that he would be told to do so in such a message as had frightened the Commissioners last year, and we would be told that we had practically annulled the treaty. The Americans would again set their hearts on securing the use of the canals, and having set their hearts on anything seemed to be ground enough for the British Commissioners to grant them anything they desire. He maintained that Canada had the best of claims to the site of the St. Clair flats canal, and stated that one of the highest United States engineering authorities had come to the same conclusion. Respecting his speech about the navigation of Lake Michigan to which Sir John had referred, he stated that he still held the opinion that we were as much entitled to the navigation of Lake Michigan as we are to that of Lake Huron and Georgian Bay. We never claimed we could exclude the Americans from the Georgian Bay, but they had taken the pains to establish their control over the Straits of Mackinaw by erecting a Custom House there and charging tolls on Canadian vessels. He could not see any difference in the position between the Mackinaw Straits and the St. Lawrence between Cornwall and Montreal. He did not believe that the Commissioners at the time had made provision respecting the Alabama claims or knew anything about the Russian treaty with England on the subject. The Premier had omitted to tell the House why the Commissioners had neglected to secure to British subjects the navigation of the Columbia river—a most important item—as that river was situated in exactly the same position as the St. Lawrence, but British subjects had no right to use it be-

cause its mouth was in the United States territory. It had not been his intention to speak at all that evening, as it was the intention of his friends to place on record their views on this subject, and he therefore deferred further remark until the second reading. The Premier had referred rather severely to the views expressed by some of the leading journals in the Province. Before this matter closed, perhaps, he (Mr. Mackenzie) would show to the House how different were the views which the governmental journals expressed at the time the Treaty was negotiated from the opinions they now put forth. He [Mr. Mackenzie] recognized his status as a Canadian and British subject, and he was willing to accept his share of the responsibility of all Imperial transactions; but he was not willing that an Imperial policy affecting us should be adopted without our sanction, without our having a voice in the matter; and the only Imperial policy that could ever be successful in meeting firmly the many branches of the Imperial family was one based upon the interests of the entire British possessions over the globe, and if we were to be restrained from expressing our views as to what Imperial policy in that respect should be, then there would be an end to the free discussion—an end to that free deliberation which that House was used to, and which Canada expected should have some influence in deciding her future destinies. And yet the hon. Premier asked the House to accept the money consideration, and reproached him because he ventured to object to that principle. How easy it was to refer to the denunciation which the Government had itself very properly hurled against all money considerations in regard to great political objects. The Government, in their note of the 28th July, saw that the principle of money payment for the cession of territorial rights had ever been most repugnant to the feelings of the Canadian people. Now, the hon. gentleman and his colleagues in this despatch spoke of our ceding territorial rights, but when presenting his argument here in another place, he denied that any territorial rights were ceded at all, and he asked the House at any rate to accept money for what was conceded. The hon. gentleman said in effect—"You have been paid for the Fenian claims; you are to get some assistance in the shape of an Imperial endorsement to build this great Pacific railway. There is an opportunity for you! and if you behave yourself properly, you may even get the loan of £1,400,000, which was guaranteed to fortifications,

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applied to railway purposes also, as there is no more need of fortification, and the danger of trouble arising between England and the United States is at an end. Well, if there was no more need of fortifications and defensive preparations, was the House to have no militia estimates this year? [hear, hear]. Was the hon. gentleman opposite, the Minister of Militia, to forbear purchasing the equipments and supplies necessary to keep 40,000 soldiers in the field? Was he to disband this army, and spend no more money in maintaining these soldiers in a state of efficiency? Surely that must be the case if a millennial era of peace and happiness was dawning upon the country in consequence of the negotiations that had been carried on with the United States. Surely that must be the case if we were to enjoy fully that peace which had been purchased at the sacrifice of our territorial rights? (hear, hear). The difference between the amount of interest which would have been payable on Canadian bonds without the Imperial guarantee and the amount payable on those bonds with the guarantee was all the advantage we gained. It did not, according to his calculations, amount to more than \$150,000. This was what was to be accepted as an equivalent for the valuable rights surrendered, and more than that, it had not even been offered, but Ministers had placed themselves in the humiliating position of having asked it at the hands of the Imperial Government (hear, hear.) The paltriness of the advantage, if it was an advantage at all, he had mentioned the other night in some remarks he had made upon the budget speech of the Minister of Finance, and what he had heard since only confirmed him in his opinion. Nothing would ever remove the feeling and sense of degradation with which he was filled at the Government of this country literally humiliating themselves in the dust to crave that, instead of a settlement of these Fenian claims, which they had forborne to press upon the attention of England when they ought to have been pressed, instead of demanding redress from those who had done the wrong, they should receive this wretched consideration of money (hear, hear.) He believed that this country was able and willing to repay principal and interest, all the money it ought to be necessary to borrow, without begging from the Imperial Government for favors in exchange for undoubted territorial rights. He believed Canada would have been abundantly able to obtain upon its own security and almost upon as favorable terms as upon endorsement of the British

Government every dollar requisite to carry out all the necessary and desirable works of improvement; and believing that, he felt that on no consideration ought we to yield our honor at the shrine of mammon, on no consideration ought we to have bartered away our heritage for this questionable equivalent of money. He thought the House, and he was sure the great body of the people of the country felt so too; and he hoped that the vote which would be given upon this Bill would redound to the dignity and independence of Parliament, would prove our devotion to the true interests of the Empire and honor of Canada, and would be a fearless assertion of our rights as a people and our dignity as British subjects, such as he believed would be sustained by the public opinion of the country. [Cheers.]

Hon. Mr. BLAKE moved an adjournment of the debate.

Hon. Sir JOHN MACDONALD asked the hon. gentleman if it was intended to oppose the first reading. If not, the Bill ought now to be read and the remainder of the discussion could be carried on upon the second reading.

Hon. Mr. BLAKE said if the motion for the first reading was fixed for an early day he would not oppose the first reading now.

Hon. Sir JOHN MACDONALD said he would set it down on the orders for Tuesday.

Hon. Mr. BLAKE asked that it should then be made the first order.

Hon. Sir JOHN MACDONALD would not make any promise upon that point. It was possible the Bill would not be printed in time, and in any case there was other business which the Government desired to go on with first on Tuesday.

Hon. Messrs. BLAKE, MACKENZIE, and others, pressed that the Bill should be made the first order on Tuesday, but Sir John refused to yield, and finally they abandoned the attempt to fix a time for resuming the debate.

The Bill was then read a first time, and the House adjourned at 11:15 p.m.

SENATE.

MONDAY, 6th May, 1872.

The SPEAKER took the chair at 3 o'clock, p.m.

BILLS.

Hon. Mr. SANBORN introduced a Bill to amend the Act respecting St. Francis and Megantic Railway.

Hon. Mr. CAMPBELL introduced an Act respecting quarantine.

ENQUIRY.

Hon. Mr. MACFARLANE asked the Government whether any regulations have been made by the Government for maintaining the drill sheds in Nova Scotia, to what uses are they to be applied and at whose charge are they at present. He explained that these drill sheds which had been raised previous to Union at considerable expense by Local Governments, and by private subscriptions, were now lying useless or converted into workshops, and otherwise used for private purposes.

Hon. Mr. CAMPBELL had not fully understood the purport of his hon. friend's enquiry, and would look further into the question.

PRINTING.

On motion of Hon. Mr. SANBORN, the report of Joint Committee on Printing was adopted; it alludes to expenditures of the past year, to the economical management of the service, and satisfactory manner in which Mr. Hartney performs his duties.

PUBLIC LANDS.

Hon. Mr. AIKINS moved the second reading of the Bill respecting public lands, and in doing so stated that the preamble showed that it referred exclusively to Manitoba and the North West Territories. The measure dealt with the whole land question in its entirety, and inclusive of timber and minerals. The system of survey had been discussed elsewhere during the previous session, and the policy there favored had been embodied in an Order of Council, and the surveyors subsequently sent out to the territory. The system differed very little from that adopted in the United States, but there were one or two exceptions. For instance, the Bill made provision for roads, as also for the convergence or divergence of meridians. The lines bounding townships on the east and west sides, shall in all cases be true meridians and those on the north and south sides shall be chords intersecting circles of latitude passing through the angles of the townships. The townships shall be numbered in regular order northward from the international boundary or 49th parallel of latitude, and shall lie in ranges numbered, Manitoba east and west from a certain meridian line run in 1868, after the 'Principal Meridian,' drawn northward from the 49th parallel at a point two miles or thereabouts westerly from Pembina. In the United States they had certain governing lines, but their town-

ships were laid out east and west, and they had no such provisions as in our Bill. Under the system of survey, the country is laid out in blocks of four townships each by projecting the base and connecting lines—the map showed this—and east and west meridian boundaries of each block. On these lines all township, section, and quarter section corners are marked, to govern in the subsequent subdivision of the block. After detailing the system of survey, the Bill refers to the disposal of the Dominion lands, in which it is provided that the Hudson Bay Company is entitled to certain portions of the territory known as the "Fertile Belt." The Company, however, may select land, in lieu of allotted land, provided it is not on the Indian reservation and settled under lawful authority. Next come the modes of settling the lands—first by cash, one dollar per acre; next, pre-emption right, or the right to purchase by actual settlement. Any person being the head of a family, or a single man above the age of twenty-one years, who has made a settlement on unappropriated Dominion Lands, and who has inhabited or improved the same, and has erected a dwelling thereon, may have himself entered with the Local Agent of the division in which such land is situated for any number of acres not exceeding the quarter section of land including the residence of the claimant, and being a subject of Her Majesty by birth or naturalization, shall receive a patent therefor, upon paying the price of such lands. Every claimant of pre-emption rights must within twelve months after filing his claim, furnish the Local Agent proof of continuous residence on the land he claims, and pay the price thereof, and in default of so doing the land so settled and improved will be subject to the entry of any other purchaser. Again, there is the homestead system: any person coming into the territory and settling on a quarter section of surveyed and unoccupied lands, becomes entitled to a patent at the end of three years. It is intended, said the hon. gentleman, to verge the pre-emption claim into those referring to the homestead system, in accordance with the principle of a Bill which has just passed its second reading in Congress. It is also provided that certain reservations be made in every township for educational purposes. In the subdivisions of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing islands, belts, or other tracts of timber, shall be subdivided into such number of wood lots

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not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter section prairie farm in such township. Any tract of land covered by forest timber may be set apart, as Timber Lands, and reserved from sale and settlement. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by public competition. The purchaser shall receive a lease granting the right of cutting timber on the land for *twenty one years*, and containing certain conditions. Provision is also made with respect to mining lands. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands. Any person may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions of the law, purchase the same. In case of certain lands proving to be rich in minerals, the Secretary of State shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease to discoverers or first applicants. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a half per cent. on the net profit of working. When there are two or more claimants for the same tract, then if the claim of the first discoverer be not fully established to the satisfaction of the Secretary of State, the same shall be put up at public auction in stated terms of lease, and sold to the highest bidder. As respects coal lands, they are withdrawn from the operations of the Act as regards the rights of squatters or homesteads on the Dominion lands in advance of the surveys, and are reserved in the interest of the general public. The law provides for the steps necessary to be taken by persons desirous of carrying on coal mines in the territory. The Bill also provides regulations with respect to surveyors of Dominion lands, and among other things it is provided that a Board of examiners be established for the examination of candidates for commissions as surveyors.

Hon. Mr. LETELLIER DE ST. JUST called attention to the fact that the French copy of the Bill had only been placed in the hands of members, and that it was advisable to defer the going into Committee for some time, in order to afford

ample opportunity for a thorough criticism of so important a measure.

Hon. Mr. SIMPSON also wished time to consider it, as he had only just then received his copy.

Hon. Mr. BUREAU did not intend to oppose the second reading of the Bill, but as that was the proper time to discuss its principle, he would ask the indulgence of the House for a very few minutes whilst he stated some of the objections he had to the measure in its present shape. He considered that the bill was, in many respects, of a very extraordinary character, inasmuch as it made regulations of a most arbitrary character with respect to the public lands of the west. The regulations provided in the bill could actually be set aside by the Governor in Council—a very large power to be given to any Government. The most important feature of the bill, in his opinion, was the extraordinary power it placed in the hands of the local agent, who could decide every question whether a settler had complied with the regulations necessary to entitle him to enter into the possession of lands. That agent might act justly or unjustly, and yet he was exempted from punishment in case of unfair or arbitrary conduct. Then the bill laid down the remarkable proviso that all settlers entitled to land must be British subjects; and that too, at the very time we had emigration agents abroad in France, Belgium, and other foreign countries to induce immigration into Canada. He was quite positive that the effect of such regulations would be to prevent people from coming into the Dominion. He appealed to the hon. Secretary of State to remove this unfortunate clause of the measure. And the strange feature of the bill was the absence of any regulation regarding persons who may have settled on lands by a mistake which they may have only found out after they had made considerable improvements. Such persons would not be entitled to be indemnified for the improvements in question, and that he considered a great injustice. He had no particular objection to the mode of division, but he did think the system in vogue in the United States, by which large grants of lands were made for the construction of railways, was well worthy of consideration. About two hundred million of acres of land had been granted to companies for that purpose—no less than 125,000,000 had been granted to the Pacific Railroad Companies alone. The results have been highly beneficial to the development of the resources of the country. The quantity of land

was equal to 300,000 square miles, or comprising more than the States of New York, New Jersey, Pennsylvania, Ohio, Indiana, and Illinois combined. He was in favor of assisting Education by public grants, but every care should be taken to avoid a repetition of such difficulties as arose in this country in the past. No one had forgotten the questions of Clergy Reserves, or the Seigneurial Tenure. He trusted that every guarantee and security would be given to the parties who might receive these lands for the object contemplated by the Bill, so that the issue might be satisfactory to the peace and happiness of the community. He, as a native of Quebec, felt deeply interested in the future of Manitoba, for he believed very many of his fellow country men would find their way there in the course of time, especially when there was railway communication with the far western province. It was well known that the want of public works and manufactures as well as the character of the commercial policy of the country had tended to denude the parishes of many of the people, but he believed that with the development of enterprise in the province the emigration to the United States would cease, or the people would prefer seeking their fortunes in parts of Canadian Territory like Manitoba. He objected to the Bill, he said in conclusion, because it gave too great power to Government and to individuals. If he understood it aright, it was proposed to appoint another Department—he supposed another member, a Surveyor General, would be added to the Cabinet, and the number consequently made even instead of remaining as at present at the unlucky figure thirteen. He had strong objections to many features of the Bill, but nevertheless he would do his best, when the House went into Committee to perfect its details for all must confess that there was a great necessity for such a measure, and that it was the duty of every one to improve it as far as practicable.

Hon. Mr. LEFELLIER DE ST. JUST called attention to the 45th clause, and urged that sufficient encouragement was not given to individuals to discover coal beds.

Hon. Mr. ALKINS said that as respects immigrants the Bill was more favourable than the American law, for a settler could have his patent in three years, whereas it took five in the United States.

The Bill was read a second time, and it was decided to go into Committee next.

The House then adjourned.

Bureau.

HOUSE OF COMMONS.

MONDAY, 6th May, 1872.

The SPEAKER took the chair at three o'clock.

A number of petitions were read.

Mr. MASSON (Soulanges) wanted a French version of Sir John A. Macdonald's speech, one of the best that had ever been pronounced in the House, so that it might be the more particularly appreciated by himself and other gentlemen of his origin. He looked upon it as a matter of some importance. He wanted to know as next Thursday was a holiday, whether it was intended to sit on Saturday. If not he would go home on Thursday and return on Monday.

Hon. Sir GEO. E. CARTIER said that the hon. member had asked for the publication of the able speech, of the leader of the Government, and he felt proud of that, but the pamphlet would have to embrace the speeches against as well as in favour of the measure, and must therefore be left to the Joint Committee on Printing. If the public mind would be in any way assisted by the more particular publication of his hon. colleague's excellent speech, the Government certainly would have no objection.

Hon. Sir A. T. GALT desired to know what steps had been taken with regard to the representation of Canada in the San Juan Boundary Question left to the decision of the Emperor of Germany.

A discussion took place relative to the distribution of seats as the result of the recent census, between the Hon. Sir GEO. E. CARTIER, Hon. Mr. BLAKE, Hon. Mr. MACKENZIE, and Hon. Mr. HOLTON.

Mr. THOMPSON (Haldimand) desired to know whether it was the intention to bring down the return about the franking privileges concerning which he moved last session.

Hon. Dr. TUPPER—In a few days; the matter had been overlooked.

Hon. Sir GEO. E. CARTIER submitted a return relative to the surplus over debts of the late Provinces of Ontario and Quebec.

Mr. JONES (Leeds and Grenville) asked for information concerning the North West boundary of Ontario, and was informed that the matter was under the consideration and investigation of the Government.

Mr. FORTIER enquired whether it is the intention of the Government to introduce during the present session, a general measure for the regulation and inspection of fish.

Hon. Sir FRANCIS HINCKS replied that there was already a resolution before the House on this subject.

Mr. MASSON (Soulanges) enquired whether it was the intention of the Government to cause a light house to be erected at Port Lewis, in the Parish of St. Anicet, on Lake St. Francis, as requested in the petition signed by a large number of captains in command of steam vessels and others?

Hon. Mr. LANGEVIN replied that the matter was under the consideration of the Government.

Mr. MILLS enquired whether it is the intention of the Government to ask the House for an appropriation for the improvement of the navigation of the Rivers Thames and Sydenham?

Hon. Mr. LANGEVIN replied that the attention of the Government had been called by the hon. member for Kent, and a deputation from Chatham, to the obstructions said to exist at the mouth of the River Thames, and the matter was being considered. As to the River Sydenham the attention of his department had not been called to the matter.

Mr. POZER enquired whether contractors for Section 6 of the Intercolonial Railway, whose contract has been annulled, had been discharged from their obligations, and whether the Government or any member thereof, had in any manner promised, or whether it had been agreed to indemnify the said contractors (and their sureties) for the value of the work done, instead of paying for such work in conformity with the terms of the said contract?

Hon. Mr. LANGEVIN replied that the contractors had not been discharged from their obligations, that no promise had been made by the Government or any member thereof, but that those contractors, as well as others similarly situated, had made representations to the Government which were under consideration.

Mr. JONES (Halifax) enquired whether it is the intention of the Government to make provision for the payment of the increased subsidy to the Provinces of Nova Scotia and New Brunswick from 1st July, 1871, according to the Census Returns as provided by the B. N. A. Act?

Hon. Sir FRANCIS HINCKS replied that it was certainly the intention of the Government to do so.

Mr. POZER enquired whether it is the intention of the Government to indemnify the contractors for Section 6 of the Intercolonial Railway, for the value of the work done, instead of paying for such work in

conformity with the terms of the said contract?

Hon. Mr. LANGEVIN replied that the intention of the Government had been called to the matter by the contractors, and also by petitions numerous signed by members of the House of Commons, and that the matter was under consideration.

Mr. HOLMES enquired whether it is the intention of the Government to make any change in relation to rationing and paying of the Volunteers while performing their annual drill this year; and if so, what is the nature of the change?

Hon. Sir GEO. E. CARTIER replied that the sums placed in the estimates now before the House were on the same scale as last year, but it would be gratifying to him if the House should come to the conclusion that the pay and rationing were not sufficient. It was, however, a matter for the House to decide.

Mr. MASSON (Soulanges) enquired whether it is true that the sum of \$960, or any other sum of money was due to Laughlin McLaughlin, Esq., one of the persons employed on the Intercolonial Railway; and if so, why such sum had not been paid to him, and whether it would be soon paid?

Hon. Mr. LANGEVIN replied that Mr. McLaughlin had communicated with the Government on the matter; and that his representations had been referred to the Commissioners of the Intercolonial Railway, who had found that they owed no money to Mr. McLaughlin.

Dr. GRANT enquired whether it is the intention of the Government to supply each of the Members of the various Local Parliaments with a copy of the Parliamentary Sessional papers.

Hon. Sir GEORGE E. CARTIER replied that this was not a matter for the discussion of the Government: it rested entirely with the House.

FENIAN RAIDS.

Mr. CARTWRIGHT in moving the House in committee to consider certain resolutions in relation to the withdrawing of the claims of the Dominion of Canada against the United States for compensation on account of injuries arising from the Fenian Raids, regretted that he had not been able to call attention to the matter. He referred to the steps taken by the Government in the initiation of the Fenian Raids, and stated that the members who had been British Government great precipitous shown less co-

the Dominion than we were entitled to, still felt that there might have been urgent circumstances to justify that precipitancy and that departure from the courtesy which should have regulated the intercourse between the two Governments. When the resolutions of the hon. member for Sherbrooke were under discussion, it was felt that a very delicate crisis had arrived which called for forbearance on the part of the House. He thought the House had perhaps taken an over generous view of that subject, but he would not criticize it now.

He had listened with great attention to the remarks of the Minister of Justice and he might say, as regards the Treaty, that he most fully recognized the importance of the reservations which he [Sir John] had made. We could not be blind to the result of recent events in Europe which had rendered the position of Great Britain somewhat critical, nor could we disguise from ourselves the deep interest we had in the settlement of all questions between England and the United States, especially seeing the large undertakings entered upon and proposed by Canada, and he was willing to make large concessions for the sake of peace, but these must not be such as would affect the honor of the country. He did not intend to discuss, however, the merits or demerits of the Treaty, but would confine his remarks to the matter indicated in his resolutions. He frankly admitted that up to a certain point the conduct of the Government in respect to the Fenian claims was such as commended itself to his judgment. He had no fault to find with the language used by the Canadian Government in their despatches to the British Government, and was bound to say that it would be difficult to use plainer language than that the Privy Council had seen fit, and justly, to use. He believed that all would acknowledge that the Government had called attention to these demands in good time. He found that the correspondence had been commenced as early as 1868 and the papers brought down showed that it had been kept up, and after perusing it he thought the Government were not to be faulted for want of plain speaking. He could not bear calling attention to the language in the Minutes of the 28th July, 1871, with reference to the Fenian claims, to the effect that the Government was in full possession of the facts, and was to be any day ready to give the Government what it might require, although he had been in ex-

istence for nearly seven years, it did not appear that Her Majesty's Government had made any vigorous effort to induce the Government of the United States to perform its duty to a people who desired to live with them on terms of amity and who during the Civil War performed all the duties of neutrals to the expressed satisfaction of the Government of the United States, but that, on the contrary, while it was the general opinion of the people of Canada that the Government of the United States neglected until much too late, to take measures to prevent the raid of 1870, Her Majesty's Government hastened to acknowledge the prompt action of the President and to thank him for it. He (Mr. Cartwright) did not know that we could ask for much stronger language than that, and regretted that the Government should have seen fit to change their ground afterwards, and should have concurred in the withdrawal of the Fenian claims, not in the general interests of the Empire, but solely for the sake of a small pecuniary advantage to assist them in building the Pacific Railway. He would be the last man to encourage extravagance, but he would say that he would rather see the country deluged with irredeemable paper currency ten times over than that they should have had recourse to such measures. He did not blame the Canadian Government altogether for this, but contended that the present Government in England in making the English people pay for damages done by American citizens was humiliating to the English nation, and unless the feeling had changed in England there would be such an expression of feeling as would startle the Government of Mr. Gladstone from the indifference with which they have regarded these matters hitherto. He did not believe that a firm expression of our claims would have exasperated the minds of the American Commissioners, but was convinced that the step that had been taken would be an incentive of the Fenian organization to renew their murderous work. Up to the present he admitted that we had been tolerably well protected against these incursions, owing however more to the incompetence and cowardliness of the Fenian leaders than to the competence of those who were sent to oppose them. He regretted the course the Government had taken in obtaining the guarantee as one of a sordid and humiliating character. He thought an Imperial guarantee might reasonably be given for the Pacific Railway. He mentioned that the British Commissioners threw away their whole

case when they allowed their more crafty American brethren to throw out the Fenian claims. By what argument could the United States have enforced their claims which we could not more strongly urge in our case. Did any man believe that the United States would have respected Great Britain less, or us less; or that a less favorable treaty would have been arranged if our claims had been pressed? He could not but feel that a very grave question was opened up by this. He could not but feel that if we should ask for damages on account of another raid we should be placed in a very bad position. With what force could a British Minister ask damages from the United States for other Fenian raids after what had taken place. He then went on to deprecate the mistaken feeling which existed in England towards Canada, and in conclusion said he would rather take a dollar and an apology from the United States than a million of compensation from England.

Mr. ROSS (Prince Edward) desired to say a few words as seconder of the motion. He fully agreed in the wording of the resolutions and in the sentiments expressed by the mover. He had been glad to support the Government in their manly protest against the Fenian raids, as shewn in the communication from the Privy Council to the Imperial Government now before the House, but when they backed down and proposed a money payment by England for the loss sustained by Canada in life and property, at the hands of scoundrels who came over to murder our people, he could not sustain them. He considered this matter the most important of all those laid before the Commissioners, and complained that the claim should have been withdrawn simply because the American Commissioners objected to it. The loss to Canada on account of this matter since 1863 would amount to \$10,000,000, for it was no small matter to call out twenty or thirty thousand men and drill them yearly, and at a time when they were most wanted at home, and all for a paltry sum of 50 cents a day and rations. With regard to the last raid into Manitoba, he thought the whole matter had been most disgracefully managed, and must condemn the action of the Lt. Governor. He hoped the motion and the resolutions would pass, although he did not desire to condemn either the Canadian or the Imperial Government. (Laughter.)

On the motion that the Speaker should leave the chair being put

Hon Sir Geo. E. CARTIER rose and

said—He much regretted that the mover had not waited until the whole of the questions connected with the Treaty were under discussion, so that it could be dealt with in a tangible way. The principal object of the motion was not so much to censure the Canadian as the Imperial Government. It has been stated, both here and in the English Parliament that what was done at Washington was under the direction and immediate responsibility of the British Cabinet. No doubt the people of Canada might have been better pleased if it had been possible that the indemnity for the Fenian losses could have been paid out of the American Exchequer, but Canada could not direct the English Cabinet in the matter. The Government of Canada had represented the matter in such a clear and strong manner, that really the mover might be suspected of having drawn his words and sentiments from the language used by the Government as laid before the House. Of course the House had full liberty to discuss the matter, but it was scarcely fair to censure the Imperial Ministers when they could not be present to defend themselves. Was it English to do so? Then there was another point in which he must complain of the observations of his hon. friend. He had listened with great regret to expressions which tended to indicate that the active militia of Canada had not done their duty intelligently and well in expelling the Fenian invasion.

Mr. CARTWRIGHT said he had not intended any such meaning. He had spoken only of the incapacity of some of the leaders, but had not specified whether they were volunteers or regulars.

Hon. Sir GEORGE E. CARTIER said let the hon. gentleman attack him in any manly way, and he would see whether he (Sir George) was not able to defend himself (laughter.)

Mr. CARTWRIGHT said he must admit that he believed the hon. gentleman had pluck enough for anything (renewed laughter.)

Hon. Sir GEORGE E. CARTIER said he must thank his hon. friend for so kind an expression, but he believed that the volunteers had quite as much pluck as he himself had, and he must deny that there was any want of intelligence or bravery on the part either of the officers or the men who had gone out to meet the Fenians. The hon. member had implied that Canada was saved more by the awkwardness of the invaders than by the ability of her defenders. He denied this, but if the hon. gentleman believed such to be the case

why did not he, who was possessed of such intelligence and powers of organization, why did he not endeavor to mend matters. He hoped this would be the last complaint of the kind from the hon. gentleman, for otherwise he should feel disposed to submit a direct resolution to the House, to force the honourable member to join the force and assist in its organization. (Great laughter) Then again the hon. gentleman had dwelt on the humiliation felt by England on account of having to settle the losses of Canada. But he contended that there was no room for such humiliation, but that England, by her whole conduct in the matter, and by the action of the Commissioners, and by the apology she had offered at the commencement of the proceedings for anything in which she might have been in the wrong, had raised the English character still higher before the whole world. As to the action of the Canadian Government, all they could do was to present their claims to England, this they had done, and England at first determined to press them, but she afterwards took on herself the responsibility of withdrawing them. This had been admitted by both Mr. Gladstone and Lord Granville, and as a matter of course in assuming the responsibility of withdrawing the claims of Canada, they assumed the payment of any indemnity which Canada had a right to expect from the United States. It must also be borne in mind that England had incurred equal expense with Canada in the matter, and, therefore, if she had pressed the claims of Canada, she must have pressed her own also, and, therefore, when England forbore to press her own claims and further resumed the responsibility of withdrawing those of Canada, what further could the Canadian Government do in the matter. He thought the Imperial guarantee should be well considered and weighed by the House, for Canada required that her great public works should be known throughout the world, and this guarantee was the best evidence that could possibly be adduced to prove to the United States and to the world that England intended to continue her connection with, and her protection of, the Dominion. No doubt the English Government might have carried a direct vote of money to pay Canada's claim, for there were doubtless many who would rather have seen that than such an evidence of England's intention to stand by Canada, but was not the arrangement now proposed the best? The guarantee had reference to the Fenian claim only, and, was not, as the hon. mover had de-

sired to shew, conditional on the acceptance of the whole Treaty. Under the circumstances, and considering the terms of the resolution, he hoped the House would agree with him that it was utterly irrelevant.

Hon. Mr. McDougall said although to a very great extent he agreed with the sentiments of the hon. mover, he could not but consider the resolutions irrelevant, as the House could not affirm them in the shape presented and then (as appeared to be the intention) the Treaty with all its dependent arrangements. The hon. gentleman seemed to propose a want of confidence in the Imperial Government, while at the same time he did not seem to complain very much of the Canadian Government, for he admitted they stood up for the rights of Canada, and had urged their views with vigor, and well on the Imperial Government. Well this was not successful. The Imperial Government did not consider that in view of all the circumstances connected with the Alabama difficulty it was expedient to urge a claim for compensation for the Fenian raids. They decided deliberately and it must be assumed that they acted honestly and with a true sense of their responsibility as acting on behalf of the Empire. The hon. gentleman (Mr. Cartwright) seemed to think otherwise, however, and proposed to censure them, but in the absence of all the facts and considerations present to the mind of the Imperial Government and the Commissioners, he (Mr. McDougall) did not feel disposed to pronounce, as a member of that House, in such a positive form as that involved in the resolutions, and he could not but think them inexpedient and impolitic, and that there was nothing to be gained by affirming them. He considered they might suit the hustings or might be properly discussed in the press, but that that House was rather to pass laws and affirm practical propositions. Expressing regret and humiliation was all very well as rhetoric, but what was to follow—was the English Cabinet to resign? (laughter and cheers). The second resolution he thought was contradictory. It first expressed regret that England should indemnify Canada for losses sustained at the hands of the citizens of a Foreign State and added as a reason, that the raids resulted from feelings of hostility to England and not to Canada. To him this seemed really a reason why England should pay.

Mr. CARTWRIGHT said the resolutions censured the course of action taken by the Government for the reason that it was a direct incentive to renewed outrages.

Hon. Sir G. E. Cartier.

Hon. Mr. McDougall said that that was one of the reasons, but the reason given for the middle proposition, destroyed that for the first.

Mr. Cartwright said the reasons were threefold,—first, that the action was impolitic in itself; second, that it was humiliating to the English people; and third, that it was an incentive to renewed outrages.

Hon. Mr. McDougall could not admit that the conclusions were deducible from the reasons. He did not think that the English Government or people were indifferent to the fact that the international obligations of the United States to Canada, had not been observed with the strictness that Canada had a right to expect. The tone of the English press and the speeches in Parliament would not warrant such a conclusion, and he must say it would be impolite and ungracious to affirm such a resolution. There seemed to be some confusion on the subject of the Fenian losses.

He believed there was a new ground for the objection raised by the American Commissioners, that the matter was not included in the order of reference—but assuming that it might have been included, had the Americans asserted it, it must be admitted that the losses were entirely inferential, and were sustained by the Government. Of course the loss of life was direct and serious enough, but the amount of money lost must have been trifling, while the great bulk of the claim consisted in the expenses incurred in the invasions and threats of invasion and in arming the volunteers and other preparations. The claim was therefore in its very nature inferential, though on a previous occasion the member for Lambton taunted the Government because they presented the claim in a consequential form, but in what other forms could that have been presented in. If therefore the Commissioners had insisted that the claim should be received and disposed of, the very same principle and the very same argument would have applied to the immense claims of the United States for consequential damages in connection with the Alabama, and it had struck him at the time that the English Government had acted most judiciously in withdrawing the claim, so that there could be no argument to support a claim for consequential damages. He thought the claim of Canada against the Imperial Government to have some recognition of her losses was a good one, as we were not the provoking parties, and the invasion

was not against Canada, but was an attack on and an insult to the British flag over our heads, and this being so our fellow subjects in the other parts of the Empire were bound to contribute their share of our loss, and he could see nothing humiliating or undignified in the matter. Years ago Canada had been proud to assist the Empire in the struggle against Russia, and had boasted of it, and so now there was no humiliation in asking England to assist her in some way. Assuming then that England offered us her guarantee for the sum that had been named, in connection with the Fenian losses alone, he could not see that she could do more, and thought that we should accept it thankfully, and as an evidence that the people and Government of England were prepared to strengthen the bonds of connection between them and us, and that they entered into a new alliance with us, with a desire to show their sympathy and good will towards their fellow subjects in Canada. In this sense the offer would be received by all loyal subjects, though he in no degree doubted the loyalty of the mover of the resolution, but that gentleman had lapsed into a complaining mood lately. He referred as an instance to the action of Mr. Cartwright in his vote of censure last Session in the matter of withdrawal of the troops, and he hoped the hon. member would perceive that it was neither expedient or proper to ask the House to affirm a resolution expressing regret because the Imperial Government deemed it proper to arrange our Fenian losses in a manner different from that we desired. (Loud Cheers.)

It being six o'clock the House rose.

AFTER RECESS.

Mr. Masson (Terrebonne) resumed the debate. He said he could not support the motion. It was not avowedly a motion of non-confidence, and if it declared a want of confidence in any body it was in the British Government. He did not altogether approve of England's mode of treating this country in respect to the withdrawal of the troops; but it was no use indulging in recriminations in view of the arrangement now in progress. Such recriminations could only do us harm, and they certainly could do us no good. The motion was inconsistent with itself, because, in the first place, it blamed England for withdrawing our claims at Washington, and in the next, because it alleges that we had no claims upon England. The House would be doing wrong in throwing taunts at the Mother Country, or passing

resolutions which would cast a slur upon her honour.

Mr. HARRISON said that viewing the fact that we are about to build a great inter-oceanic railway, in which work we were expecting to receive Imperial aid, it would be short-sighted policy to pass a resolution of this kind. The hon. gentleman who introduced it had said that the subject was an unpleasant one. He quite concurred with the hon. gentleman in that opinion, and he would ask why introduce unpleasant subjects for discussion, in this House, if no good were to arise from the discussion. (Hear, hear). He quite agreed with the mover of the resolution with regard to Canada possessing a good claim for these Fenian outrages, and whenever he had occasion to say anything in the House upon the subject he had always asserted that these expeditions were simply and solely outrages of the worst kind, and that they were breaches of International law, and that it was a wrong against the country to have permitted these men openly to band themselves together in the United States without any disposition having been shown to keep them in check or to prevent them injuring life and property in this country. He had always felt that when the United States Government did interfere, it was only when their interference was no longer required; and in those cases where they had arrested these marauders instead of punishing them, they had liberated them after a short imprisonment which was little more than a farce. Under these circumstances, he quite agreed that it was right for the Canadian Government to have brought under the attention of the Imperial Government the question of our right to compensation for these inroads. That was exactly what the Government had done. They had brought the matter before the Imperial Government in language that was strong and emphatic, and they had done all that was in its power in order to obtain redress. The hon. gentleman had said, however, that he did not by this resolution intend to blame the Imperial Government. Who then was to be blamed? If no one was to be blamed, if the resolution was to effect nothing, why had it been brought up for discussion at all. In fact it was neither more nor less than a censure of the Imperial Government. Well, if it would lead to the downfall of the Gladstone Government, he (Mr. Harrison) would support it with all his might. (Hear, hear). It was not pretended, however, that it would have that, or indeed any effect. The House knew that these claims had not been

withdrawn except for Government reasons, that it was not from cowardice or from any other unworthy motive. The Imperial Government had failed to press them. In taking the responsibility of withdrawing them, the Imperial Government admitted the right of Canada to compensation. While then we had a right to look to England for that compensation because she had taken the responsibility of preventing our seeking payment from the United States, it was our duty, remembering the motherly kindness of the people of England, to make the burthen lie as lightly upon them as possible. The mode of settlement proposed by the Government just met this condition. It gave us in Canada a great benefit, and it compensated us for our losses while it cost the Mother Country nothing at all. The mover of the resolution had objected to this settlement, saying England might as well pay the money as endorse paper for Canada. Well, he (Mr. Harrison) would not be above endorsing paper himself for Canada, (laughter) for he believed such an operation would not be only pleasant but entirely safe. It was impossible that the liability England was incurring would ever become an actual liability. As for Fenian marauders again troubling our country, he had no apprehensions on that score. Entertaining these views, first, that the resolution was more mischievous than useful, and, second, that it censured the Imperial Government when censure was out of place, he would move the following amendment:—"That this House does not consider that the interests of the Dominion will be promoted or the relations now happily existing between the Mother Country strengthened, by an expression of opinion on the subject of the withdrawal of the Fenian claims by the Imperial Government before the Joint High Commission."

Hon. Mr. MACKENZIE thought that the hon. gentlemen opposite, acting in their capacities as representatives of the people and as the governing bodies of this country, had no hesitation in declaiming on the policy of the Imperial Government, for they had told them to their face that they disapproved of the course taken with regard to the Fenian claims. It seemed, however, to be considered quite right for the Canadian Government to censure the Imperial Government in the matter, but quite wrong for the House to give expression to its feeling as bearing hard upon the Imperial policy. He thought anything the Cabinet could do, the House also could by the expressions of individual members, and a clear ex-

Mr. Masson.

pression of public opinion which would be more justifiable than the expression of the Ministry in their individual capacity. The argument of the hon. member for Lanark was complete, except it begged the premises. He had said that the entire claims for the Fenian raids were consequential. The entire amount was not consequential, but real and direct damages, and could be assessed as fairly as the loss of any vessel destroyed by the *Alabama*.

Hon. Mr. MACDOUGALL—What are they?

Hon. Mr. MACKENZIE—There is an amount of \$70,000 for goods destroyed and compensation due to the relatives of those who fell.

Hon. Mr. MACDOUGALL—I referred to those.

Hon. Mr. MACKENZIE—Yes, but not as direct damages. It was not, however, a mere question of money. He had always treated that as of much less consequence than the continued interruptions into our country by these marauders, and the condonation of their offences. His hon. friend the member for West Toronto had said they all knew how our brave volunteers had come to the front when danger threatened; That was quite true; they came in 1866, for he (the speaker) was there as a volunteer with the rest, but they came back in 1870 and again in 1871, and they may come in 1872 or 1873. In consequence of the policy adopted towards these marauders, they are led to say—"the United States will not imprison us, and if they do the courts will pardon us. The Government of Great Britain will not insist upon the United States making any apology or reparation; and all that can happen will be that the Canadian Government will demand indemnity of the British Government," &c. This had a direct tendency to lead these people to continued incursions into our country. He was prepared to support a motion to go into Committee on this question. He did not care what shape the resolution took, but as long as the House had to deal with great expenditures of money for irruptions by these marauders, and so long as our Commissioners took so wrong a ground as they seem to have taken, he considered the whole matter was one for discussion of this House.

Sir ALEXANDER GALT did not think the consideration of this subject would be mixed up with that of the Treaty, as had been said by several hon. members. It was, perhaps, unavoidable that one should be connected with the other, although the mover of the resolution was not res-

ponsible for the discussion having taken the direction it had. The question really was, whether this House, as representatives of the people of Canada, had any right to express an opinion on a matter of Imperial policy. Upon that point, he thought the argument was wholly with his hon. friend the member for Lennox. As had been stated by the member for Lambton, the Government had assumed the right to criticize the Imperial Government, and surely this House, which was the author of their power, had an equal right to criticise it. In truth the House was constantly expressing opinions upon Imperial matters by passing addresses of congratulations and otherwise, and if it could congratulate in one case it must certainly have a right to censure in another, especially when it had reason to believe that Canadian interests had been neglected. Besides if the House did not express its opinions with regard to the withdrawal of these claims, the Imperial Government might assume that this country was satisfied; but so far from that being the case, a very strong feeling existed throughout the country that this was a matter which should have been urged strongly by the Home Government. That was the feeling when these outrages were committed, and however time might affect the popular sentiment there was still a strong conviction that Canada had claims which could not be overlooked. The action of the Commission was to forbear to press them, but he thought they had exceeded their duty when in addition to this they had given as a reason that they were of an indirect and inferential character. He presumed the reason they did that was to avoid establishing a precedent for consequential damages in the *Alabama* case; but he did not think the cases were analogous, and at any rate the American Government had put in, and the British Government had allowed them to put in claims to cover the expenditure caused by fitting out cruisers to pursue the *Alabama*. If the Canadian claims, therefore, had not been admitted, we had a right to expect that consequential claims arising from the *Alabama* would have been declared equally inadmissible. (Hear, hear). His own opinion was that the House should go into committee on the resolution of the hon. member for Lennox. He (Sir A. T. Galt) was not prepared to go to the full length of the resolution, but he was prepared to say that he regretted that the claims had been withdrawn, and was further prepared to say perhaps that some of these words might be modified, but he thought as an

expression of opinion that the resolution was only what was in the minds of every one in this country less than two years ago. He did not wish to go into any of the questions that might suggest themselves in connection with the subject. Perhaps they would come up more properly when the Treaty itself was under discussion. He did think when the country felt so deeply with regard to the Fenian claims, and when there was no assurance as to what would be done in the future if these raids were repeated, it would be a subject of regret to the country, if not to the House, if the matter were left in the position in which it now stood.

Hon. Col. GRAY would not have risen had it not been for the remarks of his hon. friend from Sherbrooke. He had never read the history of Canada or of any public man with greater interest than he had heard the utterances of the hon. gentleman. When he was a member of the Government it was proposed to the Imperial Government to interfere in the course which the Government of Canada thought it best to pursue in the interests of this country; the hon. gentleman said that they would not adopt any course unless they were allowed to manage this country with reference to the interests of its people. If it was sound in us to adopt as principle that the Imperial Government could not interfere in any matter in which the interests of this country were solely concerned, he thought the same rule applied to us, when the Imperial Government decides upon a policy for the Empire. The hon. member for Lanark had put the question to the House in a clear and able manner. He then quoted the first resolution, to which he said the Imperial Government would reply that we had no right to pass it unless we were prepared to represent the Empire. The member for Lennox had said that it was not the opinion of the British people, but of the Government; but the Government represented the people, and whether we agree with Mr. Gladstone or not, so long as he commands a majority of the House of Commons, he must be taken to represent the people, and to speak for them. He thought that this Parliament had a perfect right to make representations to England, and there was no question which affected the interests of this country more than a general desire to have an understanding in reference to the Fenian raids in the past and assurances of their prevention in the future; but he doubted if the resolution of the hon. member for Lennox was the correct mode of express-

ing the opinion of Canada. He thought the motion, which he seconded, was a substantial motion to come up on this occasion. He agreed with the member for Lambton that the proper time for discussion on the matter was when the bill was under discussion. He could not agree with the hon. member for Terrebonne as to the error of the Imperial Government in withdrawing the troops. He thought they were bound to consider the Imperial interests, and so long as Canada had the assurance that by maintaining a good and active militia, she will, should necessity arise, be supported by the whole force of the Empire surely she ought to be satisfied. When the Fenian raids occurred the Imperial troops in the country assisted to drive the marauders back at the expense of the Empire and would do so again should necessity arise. Pecuniary compensation being now the mode of settling all disputes and claims, he thought the Government were justified in the course they had taken.

Mr. STREET thought it was to be regretted that this matter of the Fenian claims had not been strenuously urged. We all felt that a wrong had been done, and that it would be a cause for gladness if the American people, who had supported the Fenian movement, had been called to pay for the damage that had been done and that it would be a cause for gladness, if the American people, who had supported the Fenian movement, had been called to pay for the damage that had been done by those outrages. He did not, however, think it expedient at the present time to discuss the question of the withdrawal of these claims. The resolution was, in point of fact, a direct condemnation of the Government, and the people of England, and he did not think, under the circumstances, that it was one this House should pass. Holding these views it was his intention to support the amendment of his hon. friend, and he only hoped that the amendment would meet the approbation of the House. Of course the great question which was involved in this matter would come up for consideration at another time, when the House would be able to speak more fully than in discussing the subject piecemeal. (Hear, hear).

Mr. MILLS said they had been told that the Fenian raids were made upon Canada from hostility to Great Britain, and that, because Great Britain controlled the matter, and should have pressed the United States for compensation, we must now look to the Mother Country for reparation. He thought the object of Canada should be to substantiate the posi-

Hon. Sir A. T. Galt.

tion taken, and that the American Government should guarantee that they would exercise diligence in the future; but he considered that, by accepting a money consideration from the Imperial Government, Canada would put it out of her power to deal with any matter of the kind in the future. He referred to the acts of Southern refugees during the civil war in the United States, and the demand of the American Government for the extradition of Barby and the St. Alban's raiders, and thought the Government should have demanded the extradition of O'Neil after the Fenian invasion of Manitoba. He knew that the Americans were afraid that such a demand would be made, as they felt that it could not be refused if made. He could not see on what ground the resolutions of the member for Lennox could be opposed. It could not be expected that Canada would submit to Fenian raids for the next 15 or 20 years because England will endorse her paper. He considered that the proposition of the Government was to sell the honour of the country for a certain consideration.

Hon. Dr. TUPPER thought a stranger entering our legislative halls for the first time would find a good deal of difficulty in ascertaining the position of public affairs by listening to the speeches of hon. gentlemen opposite. The least thing they would have expected, after listening to the very animated address of the hon. member for Lennox, would have been a frank, fair, manly statement of the facts as they existed. What were they? Canada, a dependency, and a very strong dependency of the British Crown: Canada, a country fostered through long years of infancy and childhood to man's estate, was invaded by a lawless band. The Imperial Government expected that they would be prepared to strike in their own defence, as Canada did strike; but they gave her the aid of the Imperial forces at the expense of the Empire, and, having given that aid, and driven back the invaders, they at future stages pressed a claim for compensation to the country from whence the invasion came. The House need not be told, after the able exposition of the first minister, that England considered it to be of the greatest interest to Canada and the Empire that all questions of dispute between the two countries should be settled, and any one who heard that speech must be convinced that if there was one question more than another that rendered the parent state anxious for a settlement of matters, it was the conviction that a struggle between the two countries, however comparatively unim-

portant to the parent state, would be a matter of vital importance to the younger country. England was prepared, at almost any sacrifice, to endeavour to arrange the whole of the questions on which they were at issue with the United States. She assumed the responsibility of instructing the Commissioners to withdraw the claim for Fenian losses rather than break up the whole negotiations, and leave her relations in regard to this continent in the same unfortunate position in which they before stood. By the act of representation of the claim, they committed the Imperial character to it as just and legitimate; and by taking the responsibility of withdrawing that claim which was admitted, both by Lord Granville and Mr. Gladstone, they were prepared to assume the consequences and provide that Canada should not be precluded from compensation for injuries done to her. Was there in this anything that Canada could properly complain of? No; if there ever was an act committed by the Imperial Government that deserved the confidence and support of Canada it was the present. The Government of Canada felt that they had a right under the circumstances; in the first place that the Imperial Government should press for compensation on the Government of the United States, which was done; and in the second, that should that compensation not be obtained, they had a right to some reparation at the hands of the Imperial Government. The result of the application was stated by the Minister of Finance, viz: that Canada would receive compensation to the extent of \$600,000 a year. If Canada had to go into the market for the large loan necessary to carry out her great public works her credit must have sustained a rude shock; but instead of that she would go side by side with England, and the result was the saving he had named. Was it nothing to the taxpayers and people of Canada that they could say, that, having suffered by those lawless invasions, and England having, in the interest of the Empire, felt it unwise under the circumstances to press their claim—which she admitted as just—they were compensated to the extent of \$600,000 a year? Were these the circumstances under which the Parliament of Canada should say to the Imperial Government, "We think this is a time to censure you?" No; such a sentiment would receive a response whether inside or outside of the House. No man could be so lost to the interests of the country as to take such a view, and to say, "we do not wish imperial aid in the construction of our public works; we do not want any

partnership." It had been said by the mover of the resolution that the action of England would tend to encourage raids on Canada, but no rational man could possibly accept such a statement. England has shown that she considered our claims just, but that, failing to obtain redress for us, she was prepared to discharge the obligation herself, and to discharge it with no niggard hand, but in a way which, while it involved no payment by her taxpayers, was none the less valuable to Canada. Would such a guarantee of protection as this encourage oppression? It had been alleged that another raid had already taken place; but let it be compared with former ones. In the latter case the United States soldiers were employed to arrest the movement, and the prisoners, though at first released, were at the present moment under arrest for a new trial. He had listened with great pain to some of the remarks of the member for Lennox, who had shown such anxiety to assail the Imperial Government. It would have been much more manly if the hon. member had brought his motion forward as a direct attack on the Government of Canada, for the action of the Imperial Government was at the instance of the Canadian Government, and, if there was any "ignomy," the term used by the member for Lennox, attached to the matter at all, it rested with the Government of Canada. The hon. member had made a bold, unfortunate and ineffectual motion, and he had only couched his motion in its present form because he knew that the Canadian Government had the full confidence and support of the people, who would sustain the manly attitude they had assumed, and had attempted to assail the Parliament of England, 3,000 miles away. The remarks of the hon. gentleman had implied that Canada could not take care of herself. He had cast an indelible slur on a force the country might be proud of; and if anything would tend to induce invasion, it was the utterance of the hon. gentleman himself. Further than this, he attempted to tear down the credit of the country by saying that England might as well have paid the money as put her name to the bond, and if the hon. gentleman's financial statements had any authority, they would tend to strike down the credit of the country. If the House was true to itself and to Canada, it would vote down this bold, uncalled for, unqualified attempt to shake the good feeling that now existed between Canada and the Mother Country. (Loud cheers.)

Mr. BLAKE then said: So we are open

Hon. Dr. Tupper.

to approve but not condemn. He did not doubt that if any independent member had been rash enough to propose a motion to the effect that the withdrawal of the Fenian claim was highly advantageous to the interests of the country, hon. gentlemen would have denied it very properly; but there was to be no whisper of disapprobation. He had shared the feeling that a debate on this subject would conflict with the debate on the Treaty, and for that reason he would have given a silent vote but for the extraordinary speeches and the extraordinary amendment proposed, that it should be decided that the interests of the Dominion would not be promoted by an expression of opinion of the withdrawal of the Imperial claims. The fact was the mover of this amendment desired the matter to be given up altogether, because he knew that an expression of opinion was sure to be unfavorable. The seconder of the amendment told them that in matters in which the Empire acted for us, we had not the right to speak. This, however, could not be, for the Government of the day had told the Imperial Government in pretty plain terms what they thought of the matter, whatever view might be taken in the discussion of the matter when the whole Treaty was before the House. The proposed amendment was one for which no one could vote who had a proper sense of the independence and spirit of the country. They were not prepared to stultify themselves and decide that they should not discuss a question of such vital consequence. The leader of the Government informed them that a great concession had been made by Great Britain in raising her voice in protection of our fisheries, and that she had a right to cede the navigation of the St. Lawrence, aye, and the soil of the country, aye, and the people of the country. As to the Fenian matter, however, he would read to the House what had been the action of the Government in the matter, and stated that the expressions were such that had he used them he would have been greeted with hisses, because, of course, all the loyalty was on the other side of the House. (Hear, hear.) He then read extracts from printed papers laid before Parliament, to show how strong had been the manner in which the Government had urged the claim of Canada for losses on account of the Fenian raids. Then, he continued, a Commission was appointed; and what were the results? First, the United States demanded an expression of regret for the escape of the *Alabama*, and she got that. Then she demanded the adoption

of new rules of international law, and she got that. Next she required the application of those new rules to the past acts, and that was given her. On the other hand the Fenian claims were presented; claims in respect to the open organization, drilling, and arrangements by which the citizens of the United States were enabled to inflict raids and devastation on an unoffending country; claims differing in point of the enormity of the crime from any possible claim that could be imputed to the Imperial Government, as much as light from darkness; and yet although Mr. Secretary Fish had consented to the settlement of all claims standing between an amicable relation of the two nations, the American Commissioners coolly objected that these claims were not included, and the English Government, instead of insisting on their being dealt with allowed them to remain unconsidered. He maintained that the British Government must have understood from the first that the claims would be withdrawn. A great deal had been said about indirect damages but the question was not one of money at all. The question was what is the duty of the United States towards the people of this country? An acknowledgment that there had been a failure to discharge those duties was what Canada wanted. The President of the Council urged that the fact of England bringing forward the claim admitted its justness. If this was correct, what must the deliberate abandonment of the claim imply? He believed that the injuries inflicted on Canada were not calculated, and that the assaults on our manhood and honour which had been undergone, the submission to the permission by the United States of these aggressions day after day, and year after year, without proper demands for reparation, could not be estimated in money; and further, that the disposal of the claim would render still greater the danger in the future. The claim being withdrawn, the people, desiring to punish England, would now know that their course was clear, and that all they had to do was to damage Canada and England would pay the bill. They were told by the hon. gentleman that there would be no difficulty now, in that the United States had done their duty on a recent occasion. But they knew by the votes that this had cost one million dollars. He was not one of those who believed that this time anything was to be done by being mealeay mouthed. He believed we should best achieve our object by a little plain speaking, and in that view he agreed with the language used by the Government with reference to

the action of the Imperial Government in the matter; and because he agreed that a plain statement of the feeling of the people was best calculated to serve the interests of all parties, and he endorsed their action, and he therefore moved in amendment to the amendment to leave out all words in the amendment after "thereof," and insert the following:—

"This House concurs with the view expressed by the Canadian Government with reference to the subject of the Fenian raids in their minute of Council, dated 1st July, 1870, in the following words:—'The Committee of the Privy Council feel it their duty to express very strongly to your Excellency for the information of Her Majesty's Government that deep sense entertained by the people of the Dominion of all shades of party, that they have not received from Her Majesty's government that support and protection which, as loyal subjects of Her Majesty they have a right to claim; their minute of Council dated 28th July, 1872, in the following words—'The principal cause of difference between Canada and the United States has not been removed by the Treaty, but remains a subject for anxiety;' and in the following words—'the fact that this Fenian organization is still in full vigour, and there seems no reason to hope that the United States Government will perform its duty to a friendly neighbour any better in the future than in the past, leads them to entertain a just apprehension that the outstanding subject of difference with the United States is one of all others which is of special importance to the Dominion; and in the following words:—'The failure of the High Commissioners to deal with it has been one cause of the prevailing dissatisfaction with the Treaty of Washington.'" (Loud cheers from opposition benches.

Hon. Sir J. A. MACDONALD said he was not one of those who set up the doctrine that we had not a right to disapprove of the action of the mother country towards us. He claimed as a Canadian statesman, and as a Canadian, the right to criticise the conduct of the Imperial Government towards us; to commend where it met approbation, and to object to it if he found it objectionable. The question now was not whether there were no occasions when it was not open to us to condemn or to disapprove of the conduct of the Government, but whether this was an occasion when we ought to do so. While he said that he was quite ready to express disapprobation of the conduct of the Imperial Government, it scarcely rested in the mouths of hon. gentlemen opposite to do so. The

House would remember the howl that was raised by those gentlemen against his hon. friend beside him (Mr. Howe,) when he said that he did not approve of the conduct of Her Majesty's Government; how he was held up to public scorn as being a disloyal man; how the member for Lambton spoke of him as a Canadian minister using such language; and yet we now heard him (Mr. Mackenzie,) going as far as his hon. friend, and still further, and joining with the hon. member for Lennox in this censure of Her Majesty's Government. These gentlemen could be loyal when they thought it would suit the coming elections, and they could be disloyal in expression when it answered their purpose. He made no charge against their personal loyalty; but they should be judged by the society they kept, and if men be found advocating annexation, or that Canada and England should be two and not one, those men would be found ranking with the supporters of the hon. gentleman. Every man disloyal at heart fell into the ranks of the hon. gentlemen opposite, (cheers) and the reason was that they knew that those gentlemen would play with the subject of loyalty or disloyalty as they thought would best serve party purposes. He must say that, although his hon. friend from Sherbrooke in his remarks did but little to support the member for Lennox, yet he was surprised at the course he took in saying that he supported the first resolution. What did this resolution say? That "this House regrets to learn that Her Majesty's advisers have seen fit to assume the responsibility of withdrawing the claims of Canada against the United States for compensation on account of the Fenian raids." His hon. friend had stated that he would vote for that resolution, and that he regretted that these claims were withdrawn; yet last session he had stated that, under arrangements between the two Governments, these claims would not be presented at all, and now he censures Her Majesty's Government for not doing what he said they could not do. He (Sir John) had stated the other day that the miscarriage of the pressure of the claims of Canada on the part of Her Majesty's Government commenced at an early stage; it commenced in the framing of the correspondence which led to the formation of the Commission. There was no doubt of this, and, although Sir Edward Thornton stated to the Commission that he meant that correspondence to cover the Fenian claims, yet objection was taken by the United States Commissioners; and when the American Commissioners announced that they had come to that conclusion,

and when they declined to take the responsibility of receiving it as a new claim, the only course open to the British Commissioners was to report the fact to the Imperial Government, and they had to concur in the view, otherwise England would have been obliged to say, "Because you refuse to enter upon the discussion of those claims we will break off all negotiations; we decline to settle the *Alabama* claims and we will allow the unhappy state of affairs to continue between the two parties." Did the hon. gentleman mean to say that he would desire that consequence to follow? Did any one mean to say that it was not a great gain to Canada to have the *Alabama* claims settled? We knew perfectly well that the Fenian claims would not be pressed as a vital question, as a matter of war; but that the *Alabama* claims could be so pressed. If any honorable member said that because the United States refused to pay the claims, England should have broken off the negotiations, he must say that that man must be utterly regardless of the interests of Canada. If such a course had been taken the two nations would have stood in a state of positive hospitality, which state would have been changed into war whenever England happened to be engaged in troubles elsewhere. What would become of Canada in case of such a war? He did not doubt that England would be successful, and Canada as a portion of the Empire would share in the glory; but what would be the cost to Canada? Our fair fields would be made fields of blood, and our country would be ravaged, and all because at our request, and at our instance, England had refused to settle all the great causes of hostility with the United States on the ground that they would not entertain the Fenian claims. The proposition was so monstrous that he could not help but feel that it was made in a spirit of faction, and from a desire to raise the question for party purposes. (Cheers.) There was no sincerity in the motion of the hon. member for Lennox, and there was less in the amendment proposed by the member for West Durham. The hon. gentleman was welcome to quote the language of the Government, and he (Sir John) was glad that he had taken the course of recording it in the journals, because it would be seen that the Government of Canada had fought the battle of their people. (Cheers.) They had not hesitated from any fear of being attacked for disloyalty, and his hon. friend (Mr. Howe) was attacked for his strong language. They had not hesitated to say that they thought the United States

Hon. Sir J. A. Macdonald.

had not exercised due diligence in reference to these claims, and England had not pressed with sufficient force our right to redress. They were proud of the course they had taken in making these communications to Her Majesty's Government. What did they say in answer? "We admit the extent of your wrongs; we admit that your country has been invaded, and your volunteers slain; we desire that you should get full redress, and we appealed to the American Government for such redress. But when this was refused the question remained—"Shall we insist upon that redress for you, and leave the relations between England and the United States so that at any time you may be attacked? When that choice came we preferred to withdraw that claim and take the responsibility of doing so. For the sake of settling all the others, for the sake of freeing you and your country from the possibility of invasion, great as has been the wrong to you, great as is our regret at being obliged to withdraw those claims, yet we thought it better for your interests to do so." Her Majesty's Government assumed all the responsibility, and at the first suggestion on our part, came forward and made the only reparation she could, by becoming surety for millions, putting into the pockets of our people hundreds of thousands of dollars. He (Sir John) would say that it was the height of faction to raise this question, and it was only such folly as might be looked for from a political party fighting the battle of political despair. (Cheers) He never saw a more desperate condition. They felt their position slipping away from them. Buoyed up by a temporary prosperity, by a little success in the elections, in consequence of the Premier of the day being sick in bed, and getting a majority of two in consequence of the absence of six (cheers), they thought they had possession of this House and the country; but, finding that they were mistaken, in despair they attempt to get up some of the old cries in which they traded, in order to reverse their forlorn position. It was not like the forlorn hope of the soldier, which was so full of hope of success, but it was a forlorn hope without hope. They had cried that the Government must be turned out, because Thomas Scott was murdered, and the murderer was at large. These cries and these appeals to the prejudices of the people were the stock in trade of the hon. gentlemen opposite. It was a small stock and a small retail business (cheers) and it was something for them that the Insolvency Act was not yet repealed, and they

had better take advantage of it while they could. (Laughter and cheers.) He (Sir John) then argued that if the resolutions of the member for Lennox should be carried, if Canada said she did not want the guarantee, England would simply say that if we did not want it we should not have it, and the result would be, as we could not press the Fenian claim ourselves, we would be without the \$600,000 for thirty-eight years, and would be compelled to put our dignity in our pockets. He denied that by the acceptance of these terms any stain was cast on the honour of Canada. The Opposition took the ground that while they denied the capacity of the country to carry on the great works of improvement in which they were engaged, they refused the assistance which would enable us successfully to complete them; a position which no sensible man would think of occupying. That was the ground upon which they would go to the country, but the grounds upon which the Government would meet the people would be that, having pressed the claims with all the urgency in their power, they accepted the decision of England to withdraw them from before the Commission, upon the condition that this valuable aid would be given to us; and in doing this they had a good bargain, for the country would secure the completion of these great works without any sacrifice, and he was satisfied they would meet the general approval of the people. The claims had not, however, been finally withdrawn, for it remained for England, if she pleased, to press them at some future time in the same way as the United States had reserved the right of pressing the indirect claims on account of the *Alabama*. He concluded by saying that he had no doubt the House would vote down the amendment of the hon. member for West Durham with a smile, if not with a sneer, and also the resolution of the hon. member for Lennox, with extreme regret that a man of his position and intellect, who, he was sure, was anxiously desirous of continuing the connection between England and Canada, should have placed himself in such an equivocal position.

Mr. MACKENZIE replied severely criticising the Government for their desire to negative propositions which they themselves had written in despatches to the Imperial Government. He defended the Opposition against the attacks of the Minister of Justice, and retorted by reading a number of extracts from a speech of one of the colleagues of the hon. gentleman, in which the Minister of Justice and several other members of the Govern-

ment were rather severely handled. He ridiculed the assumption of loyalty by hon. gentlemen opposite, when it served their purpose, and reminded the House that the annexation manifesto of 1849; the burning of the Parliament Buildings; the insulting of the Governor General at Montreal, and the hoisting of rebellious flags at Brockville and Sandwich, were all acts of Tories from first to last. He could not understand, with this black record against the party opposite, how the hon. gentleman could have the face to charge gentlemen sitting on his side of the House with want of loyalty, professing loyalty only when it suited their purposes. However Ministers might triumph in this House, it would be found that when they went before the public, they would be held to a much stricter account, and there, at any rate, the country would give a better account of herself than she had done last year.

Hon. Sir JOHN MACDONALD—Yes; a much better account. [Laughter.]

The House then divided upon Mr. Blake's amendment, which was lost on the following division—Yeas 57; nays 100:—

YEAS.—Anglin, Bechard, Blake, Bourassa, Bowell, Bowman, Brown, Cameron (Huron), Carmichael, Cartwright, Connell, Coupal, DeLorme (of St. Hyacinthe), Dorion, Ferris, Fortier, Galt, Godin, Holton, Hutchison, Joly, Jones (Halifax), Kempt, Macdonald (Glengarry), Macfarlane, Mackenzie, Magill, McConkey, McMonies, Metcalfe, Mills, Morrison (Victoria, Ont.), Oliver, Paquet, Pearson, Pelletier, Power, Pozer, Redford, Ross (Prince Edward), Ross (Wellington), Rymal, Scatcherd, Smith (Westmoreland), Snider, Sturton, Thompson (Haldimand), Thompson (Ontario), Tremblay, Wells, White (Halton), White (East Hastings), Whitehead, Workman, Wright (York, Ont.), Young.—Total 57.

NAYS.—Abbot, Archambault, Baker, Barthe, Beatty, Bellerose, Benoit, Bertrand, Blanchet, Bown, Brousseau, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Caron, Carter, Cartier, Cayley, Chauveau, Cimon, Coffin, Colby, Costigan, Crawford (Brockville), Crawford (Leeds), Cumberland, Currier, Daoust, DeCosmos, DeLorme (Provencher), Dobbie, Drew, Dugas, Fortin, Gaucher, Gaudet, Gendron, Gibbs, Grant, Gray, Grover, Harrison, Heath, Hincks, Holmes, Houghton, Howe, Hurdon, Jackson, Keeler, Lacerte, Langevin, Langlois, Lapum, Lawson, Levisconte, Little, Macdonald, Sir John, A. Macdonald (Lunenberg), Macdonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McCallum, McDougall (Lanark), Macdougall (Three Rivers), McKeaney, Merritt Moffatt, Morris, Munro, Nathan, Nelson, Perry, Pinsonneault, Pope, Pouliot, Ray, Renaud, Robitaille, Ross (Champlain), Ross (Dundas), Ryan (Montreal West), Savary, Shanly, Simard, Smith (Selkirk), Stephenson, Street, Sylvain, Thompson (Cariboo), Tilley, Tourangeau, Tupper, Wallace (of Albert), Wallace (Vancouver Island), Walsh, Webb, Wilson, Wright (Ottawa Co.).—Total 100.

Hon. Mr. HOLTON said that, after this emphatic condemnation of the Government, as disclosed in three state papers, it would only be fitting if, according to ordinary usages, the Government should ask for time to consider their course.

Mr. Mackenzie,

Hon. Sir J. A. MACDONALD said it was not usual for the Government to ask for time when they were supported by such a majority as was just now given. He could assure his hon. friend that the Government were perfectly resigned to their position. [Cheers and Laughter.]

Mr. HARRISON'S amendment was then carried, and the House adjourned at 10:55 p. m.

SENATE.

TUESDAY, May 7th, 1872.

The SPEAKER took the chair at three o'clock.

PETITIONS,

Hon. Mr. HAZEN—From Committee on Standing Orders and Private Bills, reported favorably on following petitions: Of W. L. Forsyth, W. Lorn Macdougall, D. E. Papineau and others; Trustees of Toronto Savings Bank. Committee reported adversely on petition of Levis Board of Trade.

INTERCOLONIAL RAILROAD.

Hon. Mr. LETELLIER DE ST. JUST—I hope that the feeling which prompts me in making the present motion will be well understood by the House. I do not make it in a personal spirit, for I would be very sorry that any feelings which prevail elsewhere should be exhibited in this House. It has been said that large expenses—injustifiable expenses in fact, have been incurred in connection with the Intercolonial Railway—that property has been purchased at exorbitant prices by the Commissioners of the work. It is our duty to enquire what foundation there is for such statements, and therefore without further preface I beg leave to make the following motion:

For an Address to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all papers, letters and documents that have passed between the Government of the Dominion, the Commissioners on the Intercolonial Railway, and other persons interested in the following matters, viz.:—

As to the rent paid by the said Commissioners, for the use of the House occupied at Newcastle, by A. L. Light, Esq., and the Intercolonial Office, stating who was the owner.

1st.—Of the said House at the time it was so rented.

2nd.—Of the lands taken for the railway station!

3rd.—Of the old ship yard intended for water terminus.

4th.—Of the old commercial buildings now occupied as the Custom House at Newcastle.

Specifying separately the amount paid yearly for rent, the land damages, the price paid or to be paid for each of the said premises, and to whom, when and how?

Hon. Mr. MITCHELL replied—I am glad that the hon. member has made such

a motion, and I fully appreciate the kindly spirit in which he has done it. I am pleased to have an opportunity of refuting immediately certain assertions made elsewhere; but I may first say that the papers asked for will be brought down as soon as possible by the Government. I must observe that I do not intend going at length into the subject at present, inasmuch as the motion which has been made elsewhere has not yet been taken up; and therefore I shall reserve full explanations until that happens. In the meantime I may state that the moment I saw the motion, I enclosed it to the Railway Commissioners, and received the following reply:—

OTTAWA, May 1st, 1872.

SIR,—Yours of yesterday with slip of questions by the Hon. Mr. Hutchison, and your wish that I should give you an official answer is received, and I now beg to comply with your request as follows:—

QUESTIONS.	ANSWERS.
1st. How much is paid to the Minister of Marine and Fisheries for rent of the house lately occupied by him in Newcastle, and owned by A. L. Light, and the Intercolonial Railway Offices?	Four hundred dollars (\$400) per annum for offices and residence of District Engineer!
2nd. How much was awarded him as land damages?	Nothing. Solicitor reported 5th August, 1871. Will not accept payment at all, not because dissatisfied with award, but declines to take any amount.
3rd. How much is he to receive for the railway station location?	Grounds for station not selected nor valued.
4th. How much is he to receive for the ship yard intended for a deep water terminus?	There has been no point selected as yet at Newcastle as a deep water terminus.

I have the honor to be,

Sir,

(Signed) Your obdt serv't,
RALPH JONES, Sec.

HON. P. MITCHELL,
&c., &c., &c.,

As respects the fourth question, the old Commercial Building at Newcastle, I can simply say, I am not in a position to answer it definitely. However, I believe the buildings are owned by Mr. Tuck of St. John, but the government have not made any appropriation for the use of the building, nor have they selected the place for the Custom House. I am glad to have this opportunity of giving an unqualified denial to the idea that may have arisen from the assertion made elsewhere, that I have derived some profit from the property referred to in the motion. The rent I receive is altogether insignificant compared with the value of the house, whilst I have always refused to receive anything for land damages. My advocacy of the Intercolonial Railway has been always on

public grounds, and I am ready to vindicate, as I have always done, the present location of the line. On another occasion, however, I expect to have ample opportunity of dealing with the whole question at greater length.

Hon. Mr. WILMOT suggested an adjournment till Tuesday or Wednesday, if public business was not in a forward state and gave notice of motion with that object in view.

Hon. Mr. CAMPBELL said the Public Lands Bill was an order of the day for Friday, but the matter of adjournment was entirely in the hands of the House.

Hon. Mr. LETELLIER DE ST. JUST thought abundant time should be given for consideration of so important a question.

Hon. Mr. WILSON urged an adjournment.

Hon. Mr. SANBORN suggested business might be coming up from the other House.

After some further remarks from hon. gentlemen, it was decided to leave the matter undecided until the following day.

The House then adjourned.

HOUSE OF COMMONS.

TUESDAY, May 7, 1872.

The SPEAKER took the chair at 3.20 p. m.

PETITIONS.

A number of petitions were presented, one by Mr. CARLING, from the Hon. Mr. McMaster and others, praying for an Act authorizing them to build a bridge for railway purposes across the Niagara River at a point between Fort Erie and Chippawa, and also to construct a tunnel under said river.

BILLS INTRODUCED.

The following bills were introduced and read a first time:—

Mr. BLANCHET—To incorporate the Chamber of Commerce of Levis.

Hon. Mr. TILLEY—To incorporate the Bank of St. John.

Hon. Mr. TILLEY—To incorporate the Maritime Bank of the Dominion of Canada.

Col. GRAY—To do justice to the stockholders of St. John and Halton Railway.

D. A. MACDONALD—To incorporate the Coteau and Province Line Railway and Bridge Company.

Mr. GIBBS—To incorporate the Mis-

sionary Society of the Wesleyan Methodist Church of Canada.

Mr. GIBBS—To incorporate the Anchor Marine Insurance Company.

RETURNS.

Hon. Mr. TILLEY laid on the table a return relating to seizures at Island Pond, and also a return of the seizure of goods belonging to A. Hamel, jr., of the firm of Hamel Frères, of Quebec.

Hon. Sir J. A. MACDONALD laid on the table a return respecting the refusal of Judge Bossé to reside at Montmagny, also a return to the address for the correspondence between the Government and the Postmaster of Halifax respecting the abstraction of money letters from that Post Office.

TARIFF CHANGES.

Hon. Sir F. HINCKS said he was about to give notice of a resolution upon a subject of great importance to the country, and he trusted they would hear with indulgence the few remarks he felt it necessary to make in giving the notice. It was now about a week since he had the honour of making his financial statement, in the course of which he had intimated, it would be remembered, that under certain circumstances, it would be absolutely necessary for the Government to propose a re-adjustment of the tariff; that changes would be imperative in case certain measures then pending before the Congress of the United States passed into law. He believed it was only about forty-eight hours after the delivery of his speech that a telegram had been received announcing that the bill to repeal the duties on tea and coffee had been passed by Congress; but it was not till last night that the Government had received authentic information that the President of the United States had actually signed the bill; so that, beyond doubt, these duties would be repealed on and after the 1st of July next. Now persons engaged in the trade in the United States had been very seriously embarrassed for three or four months, because of the uncertainty about the continuance of these duties, and if he could judge by the questions which had been put to him within the last few days, great interest was excited in Canada as to the effect this repeal would have if we continue to impose duties on those articles. In order to remove any apprehension, therefore, on this source, the Government have resolved that, on 1st July next, the duties on tea and coffee shall be repealed. (Cheers and sensation.) He thought it

Mr. Gibbs.

was evidence of the superiority of our institutions over those of the United States that, while these had been protracted uncertainty in regard to the duties in the neighbouring country, there would be no serious delay in ascertaining the intention of the Legislature of Canada. (Hear, hear.) He had the honour to give notice that, on Tuesday, he would move that this House resolve itself into Committee of the Whole to consider a resolution that the duties on tea and coffee shall be repealed after the 1st July next. (Cheers.)

TRADES' UNIONS.

Hon. Sir JOHN MACDONALD moved for leave to introduce a bill respecting Trades' Unions. He explained that the measure, or rather measures, for there were two of them, which he would ask leave to introduce, although he had given notice only of one, was based upon the Imperial Statute upon the same subject. His attention, and the attention of every one interested in the prosperity of Canada, had been called lately to the fact, that the law relating to Trades' Unions, with the civil and the criminal side, was not the same as in England, and that the English mechanic, who came to this country as well as the Canadian mechanic, was subject to penalties imposed by statutes that had been repealed in England, as opposed to the spirit of the liberty of the individual. He proposed a law, the same in principle as the law of England, so that operatives from the Mother Country would have the same freedom of action, and the same right to combine for the accomplishment of lawful objects, as they had in England. (Hear, hear.) The subject was too important to be taken *ab initio* without great care and study, and it was only since the opening of Parliament that his attention had been called to it. He had not thought it well to embrace in the bill all the points which were involved in the battle that was going on between labour and capital. The subject of the relations between these two was engaging the attention of able minds in England, whose deliberations, he had no doubt, would eventuate in the introduction of a comprehensive system, possibly with the sanction and authority of Her Majesty's Government, in the next Session of the Imperial Parliament. In the meanwhile he proposed to proceed with these measures, one of which was the complement of the other, because it affected the civil branch of the law relating to Trades' Unions; while the other affected the criminal branch. He moved for leave to bring in the bills.

Hon. Mr. MACKENZIE asked if he understood the hon. gentleman to say that he did not purpose to proceed with these measures during this session.

Hon. Sir J. A. MACDONALD said his intention was to proceed. The subject was under discussion in England, and the result would probably be a still further improvement in the law there. If such proved to be the case, the Parliament of Canada would have an opportunity of profiting by that legislation; but in the meantime these measures would be proposed for the consideration of the House.

The bills were then severally read a first time.

THE REPRESENTATION BILL.

Hon. Mr. MACKENZIE desired to ask a question respecting the Representation Bill which ought to have been introduced before now. Perhaps the hon. gentleman could explain the reason for this delay, and state that the bill would be down this week.

Hon. Sir J. A. MACDONALD said he certainly could not promise it this week. As his hon. friend could well understand, a number of suggestions from all parts of the country—(hear,)—and affecting every constituency from Lambton downwards, had to be considered before the Government proposed a plan of re-adjustment. This was an almost endless task, but he thought he had got nearly through it, and that he would be able shortly to bring down the bill, although he could not name a day this week.

Hon. Mr. MACKENZIE hoped the hon. gentleman would not trouble himself about Lambton, for he (Mr. Mackenzie) would take the most difficult part upon himself, so far as that constituency was concerned. (Hear, hear.)

Hon. Sir J. A. MACDONALD said he knew his hon. friend had enough difficulties there, and therefore he had taken some of them on himself. (Laughter.)

SATURDAY SESSION.

In reply to Mr. MASSON (Soulanges).

Hon. Sir G. E. CARTIER said the Government would announce to-morrow whether they would ask the House to sit on Saturday.

GOVERNMENT DAYS.

Hon. Sir J. A. MACDONALD said the Government would like to get a third day in the week for their business, and if the House had no objection they would take Wednesdays, commencing to-morrow week. Mr. MACKENZIE said it appeared to

him that there was an overwhelming amount of private business, some of which might well have been left to the local legislatures to deal with. This would make it difficult for the House to give the Government another day; but it might be managed so that what time was left on Saturdays, after measures in the hands of private members were disposed of, might be given to the Government, provided the Government gave the residue of time on their days, if they had no business to proceed with. He thought an arrangement of that kind would greatly facilitate the work of the House.

The subject then dropped.

PATENTS OF INVENTION.

Hon. Mr. POPE moved the House into Committee to consider the following resolution—"That it is expedient to amend and consolidate the law relating to patents of invention." He explained that the object of the Government was to re enact the old patent law with certain amendments, to make it consonant with changes that had been made in England, the United States and elsewhere. It was, in fact, an assimilation of the patent laws of this country, to those of the United States, Great Britain and other countries, where there was legislation on the subject. One change he would propose would do away with the necessity of one year's residence before patents were issued. (Hear, hear.) That was the only important alteration in the law, with the exception of another clause which would require the manufacture of patent articles to be carried on in the country.

The motion was carried, and the House went into Committee, Col. Gray in the Chair.

The resolution was adopted without discussion, and the Committee reported.

Hon. Mr. POPE thereupon introduced a bill founded upon the resolution, entitled "An Act respecting patents of invention."

Hon. Mr. MACKENZIE supposed it was the intention of the hon. gentleman to make this a complete bill, and not to amend the old Act.

Hon. Mr. POPE said it was his intention to make it a complete bill.

The bill was then read a first time.

DOMINION NOTES.

Hon. Sir F. HINCKS moved the third reading of the Act to amend the Act regulating the issue of Dominion Notes.

Hon. Mr. HOLTON said he did not propose to detain the House by repeating observations that had been made at previous stages of this measure, but he desired to

place on the journals of the House a motion containing a protest against what he conceived to be the unsound principles underlying this bill of his hon. friend. He would therefore move in amendment, that the bill be not now read a third time, but that it be resolved,—“That it is inexpedient to authorize an unlimited issue of Dominion notes on the basis of so insufficient a specie reserve as twenty per cent, and that, to empower the Minister of the day to advance Dominion notes to the chartered banks to an unlimited amount on the security of their own certificates of deposit, might lead to disastrous consequences.”

Hon. Sir F. HINCKS said he would follow his hon. friend in not occupying the time of the House after the lengthened discussion that had taken place on this bill. He must say, however, that more unfounded objections he had never heard raised against any measure that had been raised against this. It had been asserted by newspapers throughout the country, organs of the hon. gentleman opposite, that the Government centem plate an issue of unredeemable paper currency, and that he (Sir Francis) was really anxious that such an issue should be authorized. Now, there was nothing in the whole course of his public life to justify the statement that he was favourable to any issue of incontrovertible paper money.

Hon. Mr. HOLTON—I admit that. (Hear, hear.)

Hon. Sir FRAS. HINCKS—The fact was that this measure was caused by the great inconvenience which was found in the working of the present system. There was great practical inconvenience in the requirement that the Government should, for all notes beyond nine millions, hold dollar for dollar in gold; the consequence being that they were constantly obliged to violate the law, because it was impossible to ascertain the exact amount of circulation weekly at any time. It was to be observed that this bill did not give the Government any power to extend the circulation. The Government, in fact, would not issue a single note beyond the requirement of the banks, and it might be safely assumed that the banks would not put into circulation more than they could possibly avoid. They themselves were issuers of notes, and it was no object to them to extend the circulation of Government notes, except that, as a matter of convenience, they would issue small notes which they had not power to do on their own account. There was really no risk or danger whatever in passing the bill; and, as long as he retained office as Finance

Minister—which might not perhaps be long—he would take care that there was no undue expansion of the currency. Every information would be given to the public. Returns would be issued weekly; and, if anything went wrong, and if there was any inflation, the public and the House would be able to see it at once. He must say that the alarm which was attempted to be created throughout the country in regard to this bill was entirely without foundation. (Hear, hear.)

The House then divided on the amendment, which was rejected on the following division:—For the amendment, 54; against 107; majority for the Government, 53.

Division.—YEAS.—Messrs. Anglin, Bechard, Blake, Bodwell, Bolton, Bourassa, Bowman, Carmichael, Cartwright, Cheval, Chipman, Colby, Connell, Coupal, Delorme (St. Hyacinthe), Dorion, Fortier, Fournier, Galt, Gibbs, Godin, Hagar, Holton, Hutchison, Joly, Jones (Halifax), Kemp, Lapum, Macdonald (Glengarry), Macfarlane, Mackenzie, Macgill, Macdougall (Renfrew), McMonies, Merritt, Mills, Morrison (Victoria), Oliver, Paquet, Peletier, Pozer, Reeford, Ross, (Prince Edward), Ross (Wellington, C. R.), Rymal, Scatcherd, Snider, Stirton, Thompson (Haldimand), Thompson (Ontario), Wells, Whitehead, Workman, Young—Total yeas, 54.

NAYS.—Messrs. Abbott, Archambault, Barthe, Beaty, Bellerose, Benoit, Borland, Blanchet, Bowell, Bown, Brousseau, Brown, Burpee, Cameron (Huron), Cameron (Inverness), Cameron, (Peel), Campbell, Carling, Caron, Carter, Sir Geo. E. Cartier, Cayley, Chapeau, Charnon, Costigan, Crawford (Brockville), Crawford (Leeds), Cumberland, Daoust, DeCosmos, Delorme (Provencher), Dobbie, Drew, Dugas, Ferguson, Ferris, Fortin, Gaucher, Gaudet, Gendron, Gray, Harrison, Sir Francis Hincks, Houghton, Howe, Hurdon, Jackson, Jones (Leeds and Grenville), Keeler, Kilpatrick, Lacoste, Langevin, Langlois, Lawson, Levesconte, Little, Sir John Macdonald (Kingston), Macdonald (Lunenburg), Macdonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McCallum, McConkey, McDougall (Three Rivers), McKeagney, McMillan, Metcalfe, Moffatt, Morris, Morrison (Niagara), Munro, Nathan, Nelson, Perry, Pinsonneault, Pope, Pouliot, Renaud, Robitaille, Ross (Champlain), Rouss (Dundas), Ross (Victoria, N. S.), Ryan (Kingston, N.B.), Ryan (North-West), Savary, Scriver, Shanly, Simard, Smith (Westmoreland), Stephenson, Street, Sylvain, Thompson (Cariboo), Tilley, Tourangeau, Tremblay, Tupper, Wallace (Albert), Wallace (Vancouver Island), Walsh, Webb, White (East Hastings), Wilson, Wright (Ottawa County).—Total, 107.

Mr. YOUNG saw it was evident that the Finance Minister desired to remove the wholesome check in the present law which required a reserve of dollar for dollar in gold for all notes beyond nine millions. This measure practically gave the Government power to issue Dominion notes to almost any extent, and to remove all checks upon an expansion of the currency. He believed that there was now in the country an inflation to a small extent, but this would be greatly increased if this bill became law. Besides one of the effects of it would be to place the banks of the country under the immediate control of the Finance Minister. That hon. gentle-

Hon. Sir F. Hincks.

man might exercise the power wisely or unwisely, but it was not such a power as should be placed in the hands of any Minister. He would move an amendment that the bill be referred back to Committee of the Whole, with instructions to provide that for any excess of Dominion notes issued over twelve millions the Government shall hold dollar for dollar in gold, as provided in the original Act.

Mr. WORKMAN said that the only objectionable feature he saw in the Bill was that it would enable the Government to put money into the hands of pet banks, and otherwise to favour certain banking institutions. (Hear, hear.) He had thought the matter over very carefully, and he had come to the conclusion that he must vote for the amendment; not because he was opposed to an increase of circulation—for the business of the country required an increase—but he felt there should be some limit to the issuing powers of the Government. The amendment proposed a limit of twelve millions, and he thought the House would be safe in granting that.

Hon. Sir FRANK HINCKS wished to say distinctly and positively that the Government, in the issue of Dominion notes, had never made any distinction between the banks. They had treated them all alike, and had placed them on exactly the same footing. The hon. gentleman had used the words "pet banks," referring he supposed to the Bank of Montreal, but that bank was the only one which had never received a dollar of Dominion notes. It was true the Government kept an account there, but as it had issued no bills itself, it had actually paid to the Government dollar for dollar for every note it had received.

Mr. WORKMAN disclaimed any intention of reflecting upon the Bank of Montreal, for nothing was further from his intention. If he were quite certain that the present Finance Minister would always have control of the finances of the country he would be quite confident as to the future; but the time might indeed, must come, when that hon. gentleman would have to give place to another, in whom he (Mr. Workman) might not have the same confidence. This bill, however, once passed would be passed for all time, and the power it conferred would be given to the hon. gentleman's successor as well as to himself. If it were proposed to give effect to the Act only while the hon. gentleman remained in office he would have no objection to voting for it. (Cheers and laughter.)

Mr. GIBBS said, that when the bill of two years ago had passed, he felt then

that it would be necessary to introduce a measure of this kind; but he had no idea that a proposition would be made to reduce the gold reserve to twenty per cent. He thought it was a wise restriction on the part of the Legislature to require dollar for dollar in gold beyond the nine millions, and to remove that restriction, as was now proposed, was only in accordance with what had been foreshadowed in 1866, when the Government notes were first authorized. He had every confidence in the present Finance Minister that he would in all fairness, candour, and integrity carry out the objects of this bill, but, unfortunately, in the course of nature he must be replaced by some other person who would not be so competent to fill the position, and in whom such general confidence would not be reposed. He trusted that the evil forebodings that had been indulged in with regard to the measure would not be realized, that the cry of "wolf, wolf" would never come true; but he believed that there was great danger unless some wise precaution was taken by the House to prevent expansion under the Acts of 1866 and 1869. He was willing to reduce the reserve to fifty per cent. for notes issued beyond nine millions. He thought this was preferable to the amendment of the hon. member for Waterloo, and that it was the lowest limit to which the House could go with safety. He relieved the Finance Minister from any imputation of unfairness in dealing with the Banks, believing it was due to him in candour to say that he had placed them all on perfectly the same footing.

Hon. Sir G. E. CARTIER suggested that the Minister of Finance should be allowed to try the experiment, and then if the fears expressed were realized, the measure might be amended.

Hon. Mr. HOWE said that, as every one had such confidence in the Minister of Finance, he would suggest that his life should be made an Isolated Risk and insured for the good of the country. But suppose that any financial embarrassment should arise was not the country able to meet her liabilities? He did not believe there was any danger in the measure. While the country had been prosperous, and Providence had given good crops, abundant fisheries, and an active population, the Minister of Finance had removed out of the way of the industry of the country every restraint, and restriction, and difficulty that had interfered, and every measure which he had put his hand to had been successful.

Hon. Mr. MACKENZIE.—Not the National policy.

Mr. STREET (Welland) was glad to hear

the high compliments paid to the Minister of Finance, in which he entirely concurred; and he believed that, so long as the hon. gentleman retained his position, he would administer the financial affairs of the country in the same satisfactory way as heretofore. He could not, however see the advantage of insuring the life of the Minister of Finance, for insurance would scarcely prevent death, and he was sure the country would join him in the sentiment that they would much rather retain the visible services of the hon. gentleman than derive any benefit from his death. He did not feel the same apprehension with regard to the effect of the measure as was expressed by many hon. gentlemen. He did not think the power asked would be the means of bringing about any financial embarrassment. It was well known that the country was suffering from the want of small notes, and the wisdom and judgment of the Finance Minister, recognizing the want, led him to devise a remedy, and he now asked Parliament to pass a measure which would obviate the evil immediately. He was met with the cry that the Government would have too much power and that financial embarrassment would follow. He could not agree with such a cry. If any check was necessary beyond the judgment of the Finance Minister, it was to be found in the fact that the banks would not circulate the hon. gentleman's small notes to a greater extent than would be absolutely necessary, for they would not make the same money out of Government notes that they could out of their own. When the issue of small notes had been first taken out of their hands what a terrible cry the banks had raised; but they were now satisfied and willing to work under the Banking Law, and the only difficulty now was that a larger issue of small notes was necessary and now that the Finance Minister proposed to meet the want, where was the difficulty? He was the last man to desire a complete paper currency, but he did not think the measure warranted the apprehensions and doubts raised. The House met every year, and would be always able to rectify any difficulty that might arise during recess.

Mr. KIRKPATRICK (Frontenac) thought the Minister of Finance would act in accordance with the general wishes of the country and for its best interests, as well as in accordance with the wishes of the bankers and commercial men of the country, if he accepted the amendment of the member for Waterloo, and he should vote for the amendment. He had not voted for the amendment of the member for Chateaugay, because he thought it

struck at the root of the principle of Dominion notes, which had been affirmed by the House before he became a member and which had been generally approved by the country. That principle he believed to be this, that the profit to be derived from the circulation of the Dominion notes was a legitimate source of revenue. But the bill now introduced went a long way to make the issue an irredeemable currency, which certainly ought to be provided against. He had every confidence in the Minister of Finance, but the House must legislate for the country, and impose proper restrictions on any Finance Minister or Government. Why was any limit inserted in the first measure, if it was not necessary; and if it was necessary, why should it be changed now? The bill must be read in connection with the bill allowing the Government to make loans to the banks. If the two bills passed the Finance Minister would be able to issue an unlimited amount of paper money. The redeeming point in the original measure, was that it fixed a limit, and he hoped the government would accept the amendment and so retain a limit. He believed the removal of a limit would be very objectionable to the people at large.

Hon. Mr. HOLTON had listened with mingled pleasure and surprise to the very extravagant praise addressed to the Minister of Finance by the member for Welland. He was no longer a young man, and, like the Minister of Militia, he had a conveniently and sometimes an inconveniently retentive memory. He remembered that, in early days, when the member for Welland bore so gallant a part in parliamentary matters, and was very far from evincing any great degree of confidence in the Minister of Finance. He (Mr. Holton), however, had been in those days an admirer and supporter of the Minister of Finance, and he was glad to find that the maturer views of the member for Welland confirmed his (Mr. Holton's) more impulsive opinions.

Mr. CARTWRIGHT — But you have changed

Hon. Mr. HOLTON — On the contrary, he still had confidence in the ability of his hon. friend (cheers), but that confidence diminished greatly by the confidence expressed by the member for Welland, because he considered that gentleman one of the most revolutionary and dangerous politicians in matters of finance (laughter,) and his confidence in the Minister of Finance sensibly diminished when he saw him in company with the member for Welland. Suppose that a banking institution should fall into difficulty and danger, and should

approach the Minister of Finance of the day, representing that he had it in his power to save the shareholders from ruin, and preventing that commercial derangement which would otherwise ensue, would not that Finance Minister be placed in great danger? He would not assume that the discretion placed in the hands of the Finance Minister would be abused; but no Legislature ought to be invited to enact measures, the consequences of which would depend on the judgment and discretion and good faith of the Ministry of the day.

Mr. ANGLIN was also astonished at the language of the member for Welland. He had stated that the Minister of Finance only asked for power to issue small notes. That was not the case. The Minister of Finance, in introducing the measure, urged upon the House that there was a great want of small notes throughout the country, which would be remedied; but the bill was not confined to small notes, but covered notes of all denominations. A bank would be enabled to obtain \$100,000 in notes by depositing with the Government \$200,000 in gold, and their own deposit receipt, not bearing interest, for the balance. If they issued their own notes they had to hold a certain sum in gold and specie, so that, really, it would be better for them to issue Government notes than their own. Again, in issuing their own notes they had to be very careful, so that in case of a sudden demand, they would be able to provide for their redemption. But there was no such responsibility connected with Dominion notes, and this again would be an inducement to issue Government notes. When the bill was first introduced he thought it fraught with danger to the best interests of the country, and subsequent consideration only convinced him that his first impressions were correct. If the only object of the Minister of Finance was to meet the requirements of the country, why did he not propose a limit to the circulation? He should feel it his duty to vote for the amendment, though he wished the figure had been somewhat higher. He did not oppose the measure because he lacked confidence in the honesty and sound judgment of the Minister of Finance, but because he conceived it his duty, as a member of the Legislature, to provide a sound and wise protection.

A vote was then taken on the amendment of the member for Waterloo, resulting as follows: Yeas, 64; nays, 95.

YEAS.—Messrs. Anglin, Bechard, Blake, Bodwell, Bolton, Brousseau, Bowman, Burpee, Cameron (Huron), Carmichael, Cartwright, Cheval, Chipman, Connell, Coupal, DeLorme (St.

Hyacinthe), Dorion, Ferris, Fortier, Fournier, Gibbs, Godin, Grant, Hagar, Holton, Hutchinson, Joly, Jones (Halifax), Kemp, Kirkpatrick, Lapall, Macdonald (Glengarry), MacFarlane, Mackenzie, Magill, McConkey, McDougall (Renfrew), McMonies, Merritt, Mills, Morrison (Victoria), Oliver, Paquet, Pelletier, Pickard, Power, Poser, Redford, Ross (Dundas), Ross (Prince Edward), Ross (Victoria, N.S.), Ross (Wellington), Rymal, Scatcherd, Smith (Westmoreland), Snider, Storton, Thompson (Haldimand), Thompson (Ontario), Tremblay, Wells, White (Haldimand), Workman, Young—64.

NAYS.—Messrs. Abbott, Archambeault, Ault, Barthe, Beaty, Bellerose, Bennett, Bertrand, Blanchet, Bodwell, Bourassa, Brown, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Sir George E. Cartier, Cayley, Chauveau, Caron, Coffin, Costigan, Crawford (Brockville), Crawford (Leeds), Cumberland, Lawson, Levesconte, Little, Macdonald, Sir J. A., Macdonald (Antigonish), McDonald (Lunenburg), McDonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McCallum, Macdonald (Lanark), Macdonald (Three Rivers), McKeagney, McMillan, Moffatt, Morris, Morrison (Victoria), Morrison (Niagara), Munro, Nelson, Pearson, Perry, Pilonneau, Pope, Pouliot, Renaud, Robitaille, Ross (Champlain), Ryan (Kings, N.B.), Ryan (Montreal West), Savory, Scriver, Shanly, Simard, Stephenson, Street, Sylvain, Thompson, [Cariboo], Tillet, Tourangeau, Tupper, Wallace (Vancouver's Island), Walsh, White [East Hastings], Wilson, Wright [Ottawa County.]—95.

Mr GIBBS moved in amendment that the word "Twenty" be struck out of the sixteenth line of the bill, and the word "Fifty" substituted. The effect of this would be that the Finance Minister would be obliged to hold fifty per cent. of the excess above nine millions in gold instead of twenty per cent.

Hon. Sir FRANCIS HINCKES explained that, although the Government had fixed the minimum at twenty per cent., they could increase the amount if it should prove to be necessary; but he did not think that the cast iron rule proposed by the hon. gentleman, that fifty per cent. should be held in specie, was advisable.

The amendment was defeated. Yeas 69; nays 89.

YEAS.—Messrs. Anglin, Blanchard, Blake, Bodwell, Bolton, Bourassa, Bowman, Burpee, Cameron (Huron), Cameron (Peel), Carmichael, Cartwright, Cheval, Connell, Coupal, Delorme, [St. Hyacinthe] Dorion, Ferris, Fortier, Fournier, Gibbs, Godin, Grant, Hagar, Holton, Hutchinson, Joly, Jones, [Halifax] Jones, [Leeds and Grenville] Kempt, Kirkpatrick, Lapum, Macdonald, [Glengarry] MacFarlane, Mackenzie, Magill, McConkey, McDougall, [Lanark] McDougall, [Renfrew] McMonies, Merritt, Metcalf, Mills, Morrison, [Victoria] Munro, Oliver, Paquet, Pelletier, Prichard, Power, Poser, Redford, Ross, [Dundas] Ross, [Prince Edward] Ross, [Victoria] Ross, [Wellington] Rymal, Scatcherd, Snider, Storton, Thompson, [Haldimand] Thompson, [Ontario] Tremblay, Wallace, [Albert] Holton, Whitehead, Workman, Young. Total yeas, 69.

NAYS.—Messrs. Archambeault, Ault, Barthe, Beaty, Bellerose, Benoit, Bertrand, Blanchet, Borrell, Brousseau, Bowen, Cameron, [Inverness] Campbell, Carling, Caron, Sir Geo. E. Cartier, Cayley, Chauveau, Coffin, Costigan, Crawford, [Brockville] Crawford, [Leeds] Cumberland, Daoust, DeCosmos, Delorme, [Provencher] Dobbie, Drew, Dugas, Ferguson, Fortier, Gaudet, Gaudet, Gendron, Grey, Grover, Harrison, Sir F. Hincks, Howe, Hurdon, Jackson, Keeler, Lacerte, Langevin, Langlois, Lawson, Leves-

conte, Little, Sir J. A. Macdonald, [Kingston] Macdonald, [Lunenburg] McDonald, [Middlesex] Masson, [Soulanges] Masson, [Terrebonne] McCallum, Macdougall, [Three Rivers] McMillan, Moffatt, Morris, Morrison, [Niagara] Nathan, Nelson, Pearson, Perry, Pinsonneault, Pope, Poullot, Renaud, Robitaille, Ross, [Champlain], Ryan, [King's, N. B.] Ryan, [Montreal West] Savary, Seriver, Shanly, Simard, [Westmoreland] Stephenson, Street, Sylvain, Thompson, [Cariboo] Tilley, Tourangeau, Tupper, Wallace, [V. I.] Walsh, White, [East Hastings] Willson, Wright [Ottawa County]. Total nays, 89.

The original motion was then carried on a division, and the bill read a third time and passed.

MANITOBA EXPEDITION.

A resolution declaring it expedient to indemnify members of the Privy Council, the Auditor-General and all other persons concerned in the issue of a special warrant for \$100,000 to meet the expenditure on account of the expeditionary force sent to Manitoba, was adopted, and a bill introduced, founded upon them.

INSPECTION.

On the resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the law respecting the inspection of certain staple articles of Canadian produce, questions were asked by the hon. members for Halifax and Chateauguay, as to whether it was intended to make the inspection of all the leading articles of produce compulsory.

Hon. Sir FRANCIS HINCKS replied that the Government intended to refer the bill proposed to be introduced to the Committee on Banking and Commerce, for the purpose of ascertaining what articles should be obligatory, and he thought the matter should be allowed to stand over until the report of the committee was received.

The resolution was then adopted and a bill introduced.

THE TREATY BILL.

In answer to the hon. member for Peel,

Hon. Sir JOHN MACDONALD stated that it was the intention of Government to go on with the bill respecting the Treaty of Washington to-morrow (Wednesday).

It being six o'clock, the House rose.

AFTER RECESS.

PACIFIC RAILWAY.

Hon. Sir GEO. CARTIER, in moving the House into committee on certain resolutions respecting the Pacific Railway,

Hon. Sir F. Hincks.

said that he thought he had sufficiently explained the purport of the measure, when he introduced the bill the other day. There were several of the resolutions which ought not to be taken into consideration in committee of the whole House; but in order that the scheme should be better understood, it had been arranged that an analysis of the bill should appear by reading the resolutions themselves, and he would give the House an explanation of every item as it might come under discussion. He had forgotten to mention when he addressed the House previously, that, with regard to that portion of the proposed railway, if Nipissing is to be the starting point, that will run within the limits of the Province of Ontario, he would inform the House that some months ago, a deputation of his colleagues were authorized by Order in Council, to meet the Government of Ontario in order to confer with them respecting the lands they would be willing to place at the disposal of the Dominion Government to aid in the construction of such portion of the Canada Pacific Railway as will run through Ontario. He thought the Minister of Finance and Secretary of State were the gentlemen authorized to confer with the Government of Ontario, and if his memory did not fail him, the result of the conference was that the Ontario Government would be inclined to place at the disposal of the Dominion Government, for the benefit of the company building the railway, every alternate block, as was promised in the Province of British Columbia. They had no reason to believe other than that the understanding arrived at with the then existing Government of Ontario would be carried out by the present possessors of portfolios in that province. The resolutions he had the honour to introduce did not ask authority to give to the company constructing the railway property which did not belong to the Dominion. The bill in the hands of every member provided that, with regard to that portion of the railway passing through the Province of Ontario, the land grant to be given to the company shall be such as may be agreed upon between the Dominion and Ontario Governments.

The House then went into committee, Mr. Street in the chair.

Hon. Sir G. E. CARTIER moved the first resolution as follows:—

"That a railway, to be called the Canadian Pacific Railway, be constructed in pursuance of, and in conformity with the agreement made between the Dominion and the Province of British Columbia, and

embodied in the order of the Queen in Council admitting the said Province into the Union, under the 146th section of the British North America Act, 1867."

Hon. Mr. MACKENZIE said this resolution would pass as a matter of course, as they had bound themselves to it last year; but he thought they should have some information as to the time when the Government expected to be able to commence the railway. He thought it a great mistake to commence the actual work of construction until not only an exploratory but an instrumental survey of the various routes had been made. The published report gave very little information.

Hon. Mr. LANGEVIN explained that, when he laid before the House the report of the Engineer in Chief of the Pacific Railway, he stated that the report was not complete, but that the appendix, containing large and copious extracts from the reports of the District Engineers, would be ready very soon. The printers were to have had them ready yesterday, but had had such press of work that they had not been able to complete them, and they were now promised for to-morrow.

Hon. Mr. MACKENZIE could not gain from the report of the Chief Engineer the slightest idea as to the time it would take his staff to so far complete the survey as to justify the Government in giving out the contracts.

Hon. Mr. LANGEVIN replied that the survey had been prosecuted with all the diligence possible, and the information so far obtained had enabled the Engineer-in-Chief to state to the Government that he is able to determine the general direction of the line from one end to the other; but until the general location takes place, it will be impossible to say exactly that the line will pass within any particular half mile. He found no great engineering difficulties in the way. Special surveys might be necessary in places between Fort Garry and the Rocky Mountains to determine where a bridge will have to be placed, because the river flows between very steep banks. The result of the surveys is that a pass known as the "Yellow Pass" is asserted to be a very favorable pass for our Pacific Railway; and while the elevation of the Union Pacific Railway is eight thousand feet, ours will only be four thousand feet. Everything considered, our line will be through a more favourable country, and will be much shorter than the American line. The engineer-in-chief hopes, with information he will shortly receive, to be in a position to recommend the giving of the contracts for the construction of the railway.

Mr. JONES (Leeds and Grenville) thought the House should have all information that can be obtained before discussing the bill. The engineer-in-chief had drawn comparisons between the Union Pacific, Northern Pacific, and Canadian Pacific routes, while he could not say for certain what the length of the Canadian railway will be. He did not think the road could be built for less than one hundred and fifty million dollars, with all the land that could be given. No company could undertake its construction unless they saw a prospect of doubling their money.

Mr. ANGLIN did not agree with the member for Lambton that, because the House voted for the resolutions of last session, they were bound to support those of this. He opposed them last year and should oppose those now introduced, at every stage, as he did not think the country was prepared to undertake so expensive a work. He agreed with the hon. gentleman who had just sat down that Canada would have to pay every cent. He ridiculed the resolutions of last year, binding the country to the construction of the road in ten years, and yet stating that no additional taxation would fall upon the people of the country. He did not think that the country was prepared for a burden of the magnitude proposed, and would therefore express his intention of protesting against it.

Hon. Sir ALEXANDER GALT said it was well known that he opposed last session the acceptance by Canada of the obligation to construct the Pacific Railway, but the House having determined otherwise, we were bound to carry out that obligation. The question now was whether the resolutions before the House might be considered a reasonable mode of fulfilling it, and he was bound to say that in their general aspect they appeared to do so. The money required was larger than was proposed last year, but he understood that the line was somewhat longer than was anticipated, and he did not think that the assistance proposed to be given was too great. He thought the general outline proposed in regard to dealing with the companies who proposed to undertake the building of the road was good. It was very clear that the object was to induce competition. (Hear, hear.) With regard, however, to the 8th resolution he observed that the Government proposed to put in the hands of one company all the railway enterprises connected with the north-west. He thought that that was a mistake. He thought that the extension of the American line to Fort Garry might be constructed on very much easier

terms to the Province than the main line could be, and at an earlier date. It was necessary, in view of the settlement of the country, that that part of the line should be constructed at once, and he would suggest that the Government should not bar themselves from separating that portion of the line from the others. At the same time they should be careful that the policy of the country was not interfered with by private enterprises, and he thought that provision could be made against it in the Act.

Hon. Sir G. E. CARTIER said, with regard to the remarks of the hon. member for Sherbrooke, that the general purport of the scheme met the objection he had taken. There was no doubt that a branch line to connect Lake Superior with the Main line should be built, and the Government had taken power to grant aid to a company formed for that purpose. If they could agree, the same course would be adopted with regard to the branch from Fort Garry to the province line of Manitoba, in order to unite with the American system, and the Government had observed with pleasure that several companies were seeking incorporation for that purpose. Last year when he proposed the resolution that the Pacific Railway should be built and worked by one company, he was met with the objection that it would be impossible to find any company even with assistance in money and in land to build the railway; but it had been found, he was glad to say, that there were several companies seeking incorporation for that purpose. The policy of the Government would be to allow all these companies to obtain Acts of incorporation, whether for a portion or the whole of the railway, reserving to themselves power, however, to deal with them afterwards. With regard to the branches, if the Government agreed with any company, the assistance to be afforded them would be in land and not in money; the money subsidy would only be for the main line. The first thing would be to build a branch from Fort Garry in order to connect with the American system, about seventy miles, and if the Government could agree with any of the proposed companies they would do so. At the same time they must understand that the Government would not be forced into a large price.

Hon. Sir ALEXANDER T. GALT believed that the best plan would be to connect the American line with Fort Garry and thence to Lakes Manitoba and Winnipeg, making use of the steamboat navigation on those lakes.

Hon. Sir A. T. Galt.

This would afford facilities for settling the country, and the Pacific Railroad could be carried on at the same time. He was glad to hear that the Government proposed to permit the incorporation of these local companies, and hoped that they would not, in their arrangement with companies, so bind them as to delay the completion of the road.

Hon. Mr. BLAKE agreed with the hon. member for Sherbrooke that the House, having undertaken to build the railway, they were bound in good faith to carry it out. The question now to be considered was with reference solely to the mode which the Government propose to carry out the scheme, and it was on this point there would be difference of opinion. It might appear to the Opposition that the construction of the road might best be promoted by delaying the matter until the surveys were more complete, that an undue degree of power to the Government determining the location of the road was being proposed, that the land grant should be modified, and that the sanction of Parliament was necessary to any agreement between the Government and the company. It might be necessary to bring forward such propositions as these, and he contended that such propositions would be consistent with the views they had expressed of the absolute necessity of carrying forward this work with the utmost expedition compatible with propriety, in accordance with the terms of the treaty with British Columbia. He would take up these questions as the several resolutions came up.

Mr JONES (Leeds and Granville) did not consider that he was bound by the action of the House last year. The Minister of Militia had then stated that the resolutions were passed on the understanding that the road would be constructed by private enterprise, and would not increase taxation. If that could be shown he would not be opposed to the construction of the road. He was willing that the proposed land grant should be doubled if necessary. He believed railway companies had proved to be the best land agents possible, and was willing to sustain the Government in this course, provided taxation was not increased.

Hon. Mr. BLAKE said that they had requested that the resolution following the address to Her Majesty last year should form a part of the terms of union with British Columbia. This, however, was not done, and the country was pledged to build the road at once.

Hon. Sir G. E. CARTIER said the Government had not acceded to the proposi-

tion because they would thereby have changed the terms of union with British Columbia and that country would not have been united to Canada to-day, for the change would have had to be submitted to British Columbia for their consent.

Hon. Mr. MACKENZIE.—What then was the meaning of the resolution of the hon. gentleman?

Hon Sir G. E. CARTIER.—Because the Government concluded that it was better that the railway should be built and worked by a company than by the Government.

Mr. FERGUSON said it was stated that the non-acceptance of terms would have interfered with the Union at the time the matter was settled. A delegate from British Columbia was present who had been appointed by the Lieut.-Governor, who had admitted that the propositions were satisfactory. When the House met and the members from British Columbia were present, and the question came up for discussion, there was no objection to the matter; and whatever might have fallen from the member for West Durham, the House had no intention to go beyond the grant of land and money named in the resolutions. The increase in amount from last year was because the length of the road was not then correctly known. The annual expenditure involved in the road was said to be one and a-half millions, and as long as that was adhered to there was very little to complain of. He thought the member for West Durham might have informed the House what the Ontario Government would be prepared to do in the matter. It was very easy to object, but the question was "was the road to be built?" Canada wanted the great north-west, and having got it she would hold the House responsible for making it available. Without a railway it would be useless. No doubt the Ontario Government would carry out the intentions of their predecessors in the matter, as they had already expended nearly four millions in railway enterprise. He hoped the House would soon know what the cost per mile was likely to be. \$30,000 had been named, but that amount would be a very extravagant estimate. Still, with a subsidy of \$30,000,000, and 50,000,000 acres of land represented \$50,000,000; there would be \$80,000,000 with which to construct the line, which would almost allow the amount per mile spoken of. He believed that railway companies were about the best immigration agents possible, so that there were proper restriction to prevent any monopoly. The Government ought not, however, to rush into the matter blindly, without first knowing what the cost would be. It had been

suggested that all contracts should be submitted to Parliament, and he considered that, if the Government could not make arrangements that would be in every way satisfactory they would be justified in calling an extra session of Parliament, and laying the whole matter before the House. He had voted for the resolutions last year, because he believed ten years was quite enough to build the road. Capital was plenty, and could be got as cheaply as it ever would be, and he had no fear of the great bugbear that we were going beyond our means.

Mr. HARRISON, (West Toronto,) said that the question was not so much what he had done in the past in reference to this railway as what he intended to do in the future. The intention of all with scarcely an exception was to build the road and to do it as quickly as possible. This would be found to be the almost universal sentiment of the House and the country. The Dominion was in honour bound to do it—as it was her interest to do—and settle the North West. It was a duty to ourselves, to the civilized world, and to the surplus population of the old world; and it was also the duty of the Empire to see that the road was constructed. The Americans had already one road and proposed another, and every one knew that the Canadian road would have great advantages over the American line. The great trade of the east was a prize in which the rising Dominion would benefit. He approved of the mode of construction being by private enterprise, and also of the idea that there should be competing companies, and hoped that no company honestly seeking incorporation for the purpose would be refused on any technicality. If Canadians were capable of constructing the work they ought to have the preference over foreign capitalists. Americans had found it necessary to engage Canadian engineers in their most difficult undertakings, and they had not to go outside the House to get as high engineering talent as could possibly be found. (Cheers.) He quite approved of the proposition not to deplete our exchequer by giving the whole subsidy in money. The only way to make the land valuable was to open it up and settle it by people who would contribute to the revenue in both customs and excise, and he knew of no way so likely to bring this about speedily as to put the land in the hands of companies, with proper restrictions. He was glad to see that the line would come near Lake Nipissing. The Government of Ontario would, no doubt, be asked to assist in the matter, and they would, no doubt, act in

union with the feelings of the people of the Province. Some place called Mattawa had been named, but the terminus ought to be as near as possible to the railway system of Ontario. They were all agreed as to the advisability of constructing the road, and there could only be some difference as to the mode.

Hon. Sir G. E. CARTIER said the intention with regard to the eastern terminus was that it should be at some point near Lake Nipissing, with which the Ontario railways would connect, and at the same time enable the Quebec Government to assist to build a railway from Lake Nipissing towards Ottawa on the north side of the Ottawa River. By this means the two provinces would derive as much advantage as they expect.

Hon. Mr. MACDOUGALL thought there seemed to be no disposition to offer any serious amendment or opposition, and he had no doubt the resolutions would be passed, though possibly with slight modification. The fact that the country was pledged through its Parliament to build a railway between Lake Nipissing and the Pacific must be admitted. They were bound to do it, and if they considered the discussions last session, the discussions in the public press, the action of other legislatures and public men, it must be seen that the great majority of the people of Canada should make use of American railways as much as possible; but the public seemed to be greatly ahead of that matter, and he must acquiesce. In the light of the experience of the past few years, he had somewhat revised his opinions as to the ability to build railways. Ontario had seen two or three railways extended very rapidly over a very rough country, which had produced a revenue sufficient to pay the interest on the capital expended and expenses. Part of this result was attributable to the adoption of the narrow gauge. The Pacific Railway was to be of this gauge, and would be constructed at a much less cost than the Grand Trunk Railway and other lines of the past. With regard to the sentiments attributed to the Government, he had never understood that they had said the railway would not cost the country anything. Public works could not be constructed without expenditure. They could not eat their cake and have it too. He had understood that the Government had stated that, in view of the increased revenue of the country, and in view of the greater power of the country to meet its liabilities, it would not be necessary to impose any additional taxation, (cheers,) and he did not doubt that such would be the case, taking the

calculation of the member for South Ontario that the annual outlay represented was $1\frac{1}{2}$ millions. The people of Canada were quite ready to incur that risk for the sake of having a great highway throughout the length and breadth of the country. He regretted, however, that the matter had been brought before the House on such imperfect data. The engineer's report was very brief, and to his mind very unsatisfactory. There was one point of great interest to Ontario—and it must be remembered that at present and for some time to come, the great share of the burden incurred by reason of the great undertaking would fall on the people of Ontario,—and therefore he thought they ought to have a better assurance that the railway would fall into their system of railways. The map showed a line drawn some 100 miles north of Lake Nipissing, he supposed to enable comparisons in point of distance with other railways, but that would be scarcely pleasing as an indication of the Government scheme. He was, therefore, glad to hear the Minister of Militia say that the point would be very near Lake Nipissing, as near as in an engineering sense the line could be drawn. That would relieve the minds of many in Ontario, for the railway should be built where it would be most beneficial, and then if afterwards it should be found that a railway was wanted further to the north, it could be built. That was a pretty long stretch of country, and the House after adopting these resolutions might find an obstacle interposed which could not be overcome, and which would require the adoption of a more southern line than was marked on the map. Perhaps the Minister of Public Works could tell the House whether further reports submitted by the engineers gave any more information on that point to show that the country was practicable. It presented itself upon his mind as a serious obstacle in dealing with this question. (Hear, hear.) Now with respect to the Ontario land question, he understood from the remarks of the hon. gentleman, Sir George Cartier, though he did not perhaps catch the precise words, that in the interviews which the Government had had with members of the late Government of Ontario an arrangement had been come to, although it had not taken the form of a precise agreement, that the Government of Ontario would contribute liberally of the unoccupied lands at its disposal towards the construction of the road. He understood that the late Government of Ontario had assented to that, although a specific agreement had not been entered into. He would

Mr. Harrison.

like to know whether any communication had taken place upon that point, because the House knew that a change of Government had since intervened in that Province, and it was a matter of interest to learn whether the new administration had a new policy in that respect.

Hon. Sir GEO. E. CARTIER said he could answer the hon. member. The proposition made by the Ontario Government to the Dominion Government had been to place every alternate block of land in that Province along the proposed route at the disposal of the Dominion Government, in order to aid the construction of this railway, just the same as the Government of British Columbia had agreed to give alternate blocks. No communication or conference had taken place between the Dominion Government and the present Government of Ontario on the subject. It was expected, however, by the Dominion Government that there would be no objection upon the part of the present Government of Ontario—which the House knew favoured the building of railways—to carry out what had been determined upon by their predecessors in office. (Hear, hear.) The late Government, he might add, had stated that they would retain for themselves the alternate block.

Hon. Mr. MACDOUGALL was very glad to hear that that was the position in which the question had been left by the late Government, and must say that he had no doubt himself, from the example they had given of the manner in which promises had been carried out in these matters by the succeeding Government, that a similar course would be followed in regard to a question which was of so much consequence to the people of Ontario. (Hear, hear.) There was another matter in respect to which he thought the public should be taken into the confidence of the Government and the House, and be fully informed as to the progress that had been made. He observed by the line laid down in the map intended to make what was known as the "height of land," that a large part of the projected railway would run upon a line beyond that height of land. Now as the height of land was supposed to constitute the boundary between the Province of Ontario and Rupert's land, if the railway ran upon the other side of it there would be no difficulty in regard to the alternate blocks, because all the land through which it would be constructed was under the jurisdiction of the Dominion Government. He hoped, therefore, that some progress had been made in the question of determining the boundary between Ontario and

Rupert's Land, as, if that matter was settled, it might be found to simplify any negotiation that had been carried on with the Ontario Government. (Hear, hear.) With respect to other points of the line, he was very sorry to see by the report on the survey that difficulty had occurred in British Columbia, although he supposed that that was to have been anticipated from what was known of the character of that country. He did not doubt, however, that a solution of that difficulty would ultimately be found, and that in the end it would be possible to reach the Pacific waters by a practicable line. With regard to the financial plan the Government had adopted, he must confess that the offer of aid to the extent of \$30,000,000 in money, and a grant of 50,000,000 acres of land—if so much could be found on the line—would be a sufficient basis for any honest and capable men to operate upon in order to raise the money necessary to complete the railway. (Hear, hear.) Upon that point he had no doubt whatever: if he were a railway man with that bonus in his hands, he did not think he would find the slightest difficulty in procuring whatever additional capital might be necessary to prosecute the work to a successful completion. This fact would cause satisfaction to the people of the country, who in many cases had been alarmed at the prospect which threatened, or which certain parties had said threatened, of their being called upon to pay one hundred millions for the building of the road. If it could be shown that with \$30,000,000 in money, and 50,000,000 acres of land, which would be of little value to us unless developed by this means, we could secure the construction of a 4 ft. 8½ inch railway from Lake Nipissing to the Pacific, he was satisfied Canada would make a good bargain, one that would do credit to the Government which proposed and carried it out, and that would be productive of great benefit to the country. (Hear, hear.) Believing that, he would heartily give his assistance and support, however humble they might be, in order to carry this measure into effect. (Cheers.)

Hon. Mr. LANGEVIN read from the report of the survey to show that the best practicable line eastward from the head of Lake Superior, was on the plateau north of the height of land. He also entered into an explanation of the lines that had been surveyed in British Columbia, and that were still under examination. As the result of this explanation, he said he had no doubt that a good line, with easy grade, and presenting in no part extraordinary engineering difficulties, would

be obtained from the whole extent of the railway from the Pacific coast to Lake Nipissing.

Hon. Mr. MACKENZIE said he did not intend to discuss this question upon its merits, and by assenting to the resolutions in Committee, would not consider himself in any way compromised. His object was to obtain all the information he could, in order to be able to discuss the bill intelligently when it came up for second reading. Now the hon. gentleman (Sir George Cartier) had led the House to believe that it was intended to commence the railway at Lake Nipissing; while from the map and report of the Chief Engineer, it would appear that it was the intention to start at the Mattawa, the distance between which and Lake Nipissing, was somewhere about seventy or eighty miles.

Mr. SHANLY—The hon. gentleman is wrong; it is forty-two miles.

Hon. Mr. MACKENZIE asked how far it was from Lake Nipissing to the Georgian Bay.

Mr. SHANLY—Sixty miles, and the whole distance from the mouth of the Mattawa to the mouth of French River on Georgian Bay, is 132 miles.

Hon. Mr. MACKENZIE said it appeared from the survey, that the starting point would be considerably east—forty two miles at least—of the point where it would be most convenient to bring the Pacific Railway system in Ontario. It would in fact, follow the general course of the Ottawa river, from the Georgian Bay east, thus making Montreal the ultimate terminus of the road. Now, he held that the starting place should be at a point midway between Lake Nipissing and the Georgian Bay, so that both lines of communication—the interior line, by way of the waters of Lake Ontario, and the line which ended at tide water, at Montreal—should be equally accommodated. He was willing to leave the matter in the doubt cast upon it by the discrepancy between the Chief Engineer's report and the statement of the hon. gentleman, for he had not so much confidence in the Government as to give them the latitude of determining whether the starting point should be at the mouth of the Mattawa, or between Lake Nipissing and the Georgian Bay, (Hear, hear.) He thought it was due to the people of Ontario, that the starting point should be so fixed that an outlet would be equally easy, either by way of existing lines in that Province, or by way of the Ottawa River to Montreal. The people of many municipalities, many of them poor and ill able to afford it, had

taxed themselves heavily in order to build railways to open up the unsettled parts of the country, and he thought that under these circumstances, the Dominion Government ought to show some disposition to accommodate them, and not place the eastern terminus at a point which would practically cut off the railway from connection with existing lines in Ontario. (Hear, hear.) Then with regard to the route north of Lake Superior, he would like to know the reasons upon which the opinion was founded, that there was no practicable line south of Lake Nipigon. The survey had been so incomplete that it was impossible to arrive at a clear opinion on this point, and he thought further information should be given concerning it. With regard to the whole question as to the construction of this road, his view had always been that the use of existing lines of water communication in summer and the American lines in winter to Fort Garry, and thence the construction of a good waggon road west to the Pacific, would suffice for our present wants. But that view had been set aside by the House, and, being in the minority, he had only to bow to its decision. Now, however, when the House was called upon to provide means for the construction of this railway, gentlemen on his side of the House, without committing themselves to the principle, were bound to direct public attention as well as the attention of the House to the matter, in such a way as they believed to be in accordance with the public requirements of the country and the dictates of common sense. (Hear, hear.)

Mr. DECOSMOS had not intended to occupy the attention of the House at so late an hour, but, as a British Columbian, he could not let the discussion pass without making a few remarks. He thought the construction of the Canadian Pacific Railway would tend greatly to the development of the Dominion, and the world at large. He expressed his satisfaction at the manner in which the Opposition had come forward to aid the Government in this great work. Before British Columbia had completed her negotiations with the Dominion, they had displayed opposition to the union, and had it not been for the exertions of hon. gentlemen on the Government side of the House, and he thought, some on the Opposition side, British Columbia would not now be part of the Dominion. He was glad to see that the Opposition were in favor of the Canadian Pacific Railway, and for his part he was quite willing to forget their former hostility. He regarded Equimault as the only ter-

Hon. Mr. Langevin.

minus on the Pacific coast. He was fully persuaded that the subsidy proposed by the Government was ample to provide for the construction of the line. He thought they should compel any company undertaking the work to push on the Pacific end as rapidly as the eastern end. He pictured the time not far in the future when the Canada Pacific Railway will be running in connection with steamers from China.

Hon. Sir FRANCIS HINCKS said the line of argument taken by two or three gentlemen in the course of the debate indicated that they expected the Government to do more in reference to the survey than he thought they could be called upon to do. The Government would not have undertaken the expense of the surveys now in course of completion if they could have got the people to come forward and undertake the construction of the railway without these surveys being made. The member for Leeds and Grenville had referred to the construction of the Pacific Railway as analogous to that of the Intercolonial Railway; but the circumstances were quite different. The Intercolonial was entirely a Government work, while the Canadian Pacific was to be built by companies, and if they can get companies to undertake the construction it will be for them (the companies) to undertake the surveys. They had assurances that companies would come forward who would undertake to discover a route. The Government had wisely put the subsidy they intended to give in a block sum, and not in a mileage sum; but calculated so that it cannot exceed a certain amount. This would be an inducement to the companies to adopt the shortest and best lines. He was pleased to hear his hon. friend from British Columbia say that the subsidy was sufficient. He (Sir Francis) considered it sufficient but not too large.

Dr. GRANT considered the selection of Mattawa as the commencement of the railway the most judicious that could be made. He would inform the hon. member for Lambton that Mattawa was a very important point. It was well known that Montreal and Toronto compete for the trade of the Ottawa Valley, and the time was not far distant when there will be a direct communication from Toronto to Mattawa *via* Lake Nipissing, which will give to that road, and therefore to Toronto, the large trade of the Ottawa Valley. He felt sure that the railways now being built up the Ottawa would connect with the Pacific Railway at Mattawa. Scarcely a year had elapsed since the surveys were commenced, and yet they had

sufficient information before them to enable them to ascertain the best route for the line to take. He congratulated the Government upon the energy they displayed in pushing forward the work, and the able resolutions brought down by the Minister of Militia. He was satisfied that the people of this country were prepared to carry out the construction of the railway. England had guaranteed a loan of two and a half millions sterling, and promised to help us, should the necessity arise, to the full strength of the Empire, and he looked to a most prosperous future for Canada. He would do all in his power to assist in carrying out the resolutions, as he thought no better project could be presented.

Hon. Mr. BLAKE asked whether they were to understand that the eastern end of the survey and plan did not represent the views of the Government on that point.

After several questions between Messrs. Blake, Mackenzie, and Sir George Cartier,

Hon. Mr. LANGEVIN said that the eastern terminus of the road would be to the south of Lake Nipissing.

Hon. Mr. BLAKE asked whether anything more had been determined as to the terminus.

Hon. Sir G. E. CARTIER—No; nothing more.

Hon. Mr. HOLTON asked whether the bill would be referred to the railway Committee.

Hon. Sir G. E. CARTIER—No, but that so soon as the opinion of the House was ascertained the Railway Committee would be able to deal with the applications for Acts of incorporation.

Hon. Mr. HOLTON had nothing to say in opposition to that, but wanted to make the enquiry because the Government had established the precedent of referring important bills to Committee, instancing the banking and insolvency laws. He had understood from members of the Government that offers to undertake the work had been received, and he thought they should be read before a Committee of the House, if the measure was not to be submitted to the Railway Committee.

Hon. Sir G. E. CARTIER said the Government had never stated that offers had been made to construct the road, but that acts of incorporation for the purpose had been sought.

Hon. Sir J. A. MACDONALD said the hon. gentlemen opposite were commingling the remarks of his colleague with what he (Sir John) had said as to there being no communications to the Government except one letter to himself from Sir Hugh Allan, which he had treated as

quasi official. He had stated that he considered it very gratifying to have an offer from a gentleman of such high standing, but he understood he would make a more official offer to the Government, and therefore he would not bring it down without his consent. It was known, however, that there were various parties desirous of carrying out the great work, and it was a source of satisfaction to know that the gentlemen concerned were of the highest standing and influence. They had, however, applied for acts of incorporation instead of to the Government, and those applications would of course go to the Railway Committee.

The first and the two following resolutions were then adopted:—

"That such railway shall extend from some point on or near Lake Nipissing to some point on the shore of the Pacific Ocean; the course and line thereof to be subject to the approval of the Governor in Council.

"That the whole line of such railway shall be constructed and worked by one Company, to be approved of and agreed with by the Governor in Council, and be commenced within two years and completed within ten years from the admission of British Columbia into the Dominion."

Hon Sir GEO. E. CARTIER moved the fourth resolution as follows: "That the land grant to such company to secure the construction and working of the railway shall not exceed fifty million acres, in blocks of twenty miles in depth on each side of the line of the railway, in Manitoba, the North West Territories and British Columbia, alternating with blocks of like depth reserved for the Government of the Dominion, and to be sold by it, and the proceeds of such sale applied towards reimbursing to the Dominion the sums expended by it on the construction of the said railway; such lands to be granted from time to time as any portion of the railway is completed, in proportion to the length, difficulty of construction, and cost of such portion; and in Ontario such land grant to be subject to the arrangement which may be made in that behalf by the Government of the Dominion with the Government of that Province; provided that, if the total quantity of land in the alternate blocks to be so granted to the company should be less than fifty million acres, then the Government may, in its discretion, grant to the company, such additional quantity of land elsewhere as will make up such alternate blocks and quantity not exceeding fifty millions acres; and in the case of such additional grant, a quantity of land else-

where, equal to such additional grant, shall be reserved and disposed of by the Government, for the same purposes as the alternate blocks to be reserved as afore-said by the Government on the line of the railway.

In reply to Hon. Mr. BLAKE,

Hon. Sir GEO. E. CARTIER stated that the quantities of land to be given to the company would be given by the Governor in Council from time to time as the line was built, taking into consideration the amount of work done.

Hon. Mr. BLAKE said about six hundred miles were to be constructed in British Columbia, and only about two-thirds of the land was to be found in that Province. Would that land in British Columbia be appropriated to the British Columbia construction?

Hon. Sir GEO. E. CARTIER said yes; and in further reply to Hon. Mr. Blake, said there would be no maximum or minimum price named in the bill, at which the lands would be sold nor any time at which the lands should be settled.

The fourth resolution was passed.

Hon. Sir GEO. E. CARTIER moved the fifth as follows:—"That the subsidy or aid in money to be granted to such company, be such sum not exceeding ——— dollars per mile, or thirty million dollars in the whole, as may be agreed upon between the Government and the company, the company allowing the cost of the surveys of the line in 1871-2, as part of such subsidy; and that the Governor in Council be authorized to raise by loan such sum as may be required to pay such subsidy." He explained that a large portion would be constructed at a comparatively light cost, while other portions would be the reverse. It was, therefore, proposed that the price per mile should be left open; and in reply to questions, said there would be no provision in the bill as to the time of payment of the subsidy, nor as to the details of the construction, except that the gauge would be narrow, and that everything would have to be done to the satisfaction of the Governor in Council.

The resolution was passed.

Hon. Sir G. E. CARTIER moved the 6th, 7th and 8th, as follows:—

"6. That the gauge of the railway be four feet eight inches and a-half, and the grade, material, and mode of construction, such as the Government and Company shall agree upon."

"7. That the Government may make such agreement as aforesaid, with any company, and approved by the Governor in Council, and being incorporated with power to construct a railway on a line ap-

Hon. Sir J. A. Macdonald.

proved by them from Lake Nipissing to the Pacific Ocean; or that, if there be two or more such, having power, singly or together, to construct such railway, they may unite as one company, and such agreement may be made with the united companies; or that if there be no such company, with whom the Government deems it advisable to make such agreement, and there be persons able and willing to form such company, the Government may by charter incorporate them, and make such agreement with the company so incorporated."

"8. That the Government may further agree with the company, with whom such agreement as aforesaid shall have been made, to construct and work a branch line of railway from some part of the main line in Manitoba to some point on the boundary line between that Province and the United States, to connect with the system of railways in the said States, and another branch from some point on the main line to some point on Lake Superior in British territory; and that such branch line shall be deemed part of the Canadian Pacific Railway, and a land grant in aid thereof may be made by the Government to such extent as may be agreed upon between the Government and the company.

Hon. Sir G. E. CARTIER said, with regard to the eighth resolution, that there would be no money subsidy for the construction of the branches, but there would be land grants, only the Government would agree with the same company that constructed the main line for the construction of the branches. There was no particular limit fixed to the grant as one line might be constructed easily compared to another. The distance from Pembina to Fort Garry was about seventy miles, and the other would be about 100 miles. The Government intended to carry out the scheme as authorized by Parliament, and nothing else.

The resolutions were then adopted, and the Committee rose and reported.

The House adjourned at 11.35.

SENATE.

WEDNESDAY, 8 May.

The SPEAKER took the Chair at 3 o'clock.

COPYRIGHT.

Hon. Mr. RYAN—The first part of the motion, of which I gave notice on Monday, is to the following effect:

When the Returns asked for in the Senate's Address of the 23rd April, on

the subject of Copyright, are likely to be laid before this House?

These Returns were laid before the House yesterday, but the amounts paid to the different authors are not given; while the most important part of the Address is answered in the following terms:

I am directed by the Governor General to inform you that there is no correspondence on record in this office since the 28th February, 1871, on the subject of "Copyrights respecting British Copyright 'Works in Canada!'"

I must confess that I read this announcement with a feeling of great disappointment. We find, after all the encouragement given by the Government to the motions made in this House—after all the addresses on the subject from the Senate, that it has been thought of so little moment as not to require any official correspondence since 28th February, 1871. Some fourteen months altogether have now elapsed since any official communication on this important subject has been made to the Imperial Government. I confess it appears to me that either the representations of the Senate must be passed by as of very little importance, or the question must be considered of great insignificance. I cannot, however, believe that the representations of this House have been deemed of a trivial nature, and accordingly I am driven to the conclusion that the subject has not been thought worthy of consideration, or has been altogether forgotten; but here again I am met by the remembrance that assurances have been given time and again by the organ of the Government in the House that they take a deep interest in the question. Yet, notwithstanding, there is no evidence that any effort has been made during the past fourteen months, to advance it. Under all the circumstances I think the Senate must be convinced of the necessity of urging strongly upon the Government the object which I wish to attain in again moving in reference to this matter. The second part of my enquiry is in these words:

Whether it is the intention of the Government to urge without delay on the Imperial Government, the importance, during the present session of the Imperial Parliament, of such legislation as will in effect entitle the Printers and Publishers of *Canada* to re-print British Copyright works in this Dominion?

Although we have been informed that there has been no official correspondence on the subject in the public departments we have seen in the public press some very interesting letters bearing upon this

public question. On a former occasion I alluded to some letters written by Sir Charles Trevelyan, and since then I found them published in the *Toronto Mail*. I am happy to say that the purport of those letters is entirely in accordance with the views we have been urging upon the Government. Sir Charles Trevelyan is an author as well as the holder of the copyrights of Lord Macaulay's works, and he has written these letters to Messrs Longman with the view of urging upon the publishers of England just such views as we have always advocated in this House, and which were pressed, in 1868, upon the Imperial Government. The conclusion of these letters is given in terms which, I think, will commend themselves to the House and, I hope, to the country, and will induce this Government to urge this question again upon the attention of the Imperial authorities. He says:

"Our best course, in my opinion, will be to leave the United States go their own way, but to make an immediate arrangement with Canada on the basis offered by them. At the present relative price of labour and material in Canada and the States, this would lead to a partial transfer of the reprinting business from the United States where English authors get nothing, to Canada where they would get 12½ per cent., with the probable ultimate result that the United States would also agree to allow authors or their assignees, a percentage of the sale of the reprints of their works, on condition that American authors were allowed the same privilege in England. . . . The Act of Parliament passed to sanction the arrangement with Canada should, of course, prohibit the introduction into England of reprints of English copyright works from any quarter. Lastly, I would submit that the circumstances call for early and decided action. We must not be like dumb driven cattle."

I must say in all candour that the *dumbness* spoken of, may, in my opinion, be fairly attributed to those who have not urged the prosecution of the matter more energetically. It is all very well to say that private correspondence is going on, but we cannot know what is doing unless we have official correspondence. I hope that the inducements which have been held out to me amongst other senators to persevere in this matter are not fallacious, and that the Government themselves will move more energetically and make their communications more emphatic in the future. In 1871 when I brought this subject before the House, I stated:—"Two

objects were sought to be obtained; first, to be put on the same footing as printers of the United States in regard to reprinting British copyright works; secondly, to induce the Imperial Government to make Colonial Copyrights extend over the whole British Empire. The latter point the Imperial had already agreed to concede, and it was now for the Dominion Government to urge upon the former the requisite legislation." In reply to my remarks, the hon. Postmaster General said: "It was true we had been promised legislation on the subject. Latterly, the Minister of Finance had been following the question up, but he (Mr. C.) did not know how far the matter had gone. The course adopted by his hon. friend was deserving of every praise, and he had but little doubt that it would be eventually crowned by success." I hope now the Government will evince their confidence in my success, by doing everything in their power to promote the object. Again, the other day, when this subject was before this House, the hon. Postmaster General said: "The Government are entirely in accord with the hon. gentleman on the question, I hope that now, since there is no prospect of an International Copyright Treaty, they will be able to come to some satisfactory arrangement with the British authorities." I have the same hopes, and consequently I have come to the conclusion, and I am sure the House will come to the same, that we should lose no time, but impress upon the Imperial Government the necessity of legislation during the present session of the Imperial Parliament. If we allow another year to pass by we will be in the same position in 1873 that we were in 1868; and therefore I ask leave to make the second enquiry on the paper.

Hon. Mr. CAMPBELL.—In reference to the first part of my hon. friend's remarks, that the return does not show the distribution of copyright moneys to British authors, I may say that it is impossible for the Government to make such a statement. The money collected in Canada is transmitted to the British Government who make the distribution, and consequently we have no information on that point. With reference to his other remarks, I may reply that I think I stated the other day that there was no official correspondence, but I believe there had been some unofficial communications on the subject. The Government are not open to the charge of not acting energetically on this matter—it is the experience of us all that very often more is done by unofficial than by official correspondence. The hon. gentleman has referred to the

Hon. Mr. Ryan.

correspondence between Sir Charles Trevelyan and the Longmans. That gentleman is the owner of a copyright and takes precisely the view of my hon friend, but Mr. Longman represents much larger interests in copyrights and holds different opinions, and so far as I can learn represents the views of the British publishing trade. So it will be seen it is difficult for the British Government to deal with the matter in view of such conflicting opinions. The correspondence that has been going on has been conducted by Sir Francis Hincks with the view of affecting the minds of the great publishing houses of England, and in one of his letters Sir Charles Trevelyan refers the Longmans to Sir John Rose as an authority in the matter. In this way the Government have been doing all that they could to accomplish the object which my hon friend has in view, and which he has tried to accomplish in so energetic a manner. In answer to the question whether we intend to urge on the Imperial Government the importance of this measure, I beg to say it is our intention to do so in an official letter during the present session of the Imperial Parliament.

Hon. Mr. RYAN—I am satisfied with the assurance given of immediate action being taken as I think I have received a distinct recognition of the principle that official representations are more likely to have an effect than any private correspondence. With reference to Sir Charles Trevelyan's allusion to Sir John Rose, I may give his exact words: "You would do well to confer with Sir John Rose who—here you will notice the word Sir Charles uses—*was* the great promoter of the Canadian compromise." This remark refers, I take for granted, to a former period. We know that Sir John Rose conducted the correspondence on the part of Canada in 1869, and did so with great minuteness, but I am apprehensive that he has not been urging the matter so energetically since he ceased to have any official connection with it. I have now come to the third part of my enquiry—Whether, in expectation of, and preparatory to such Imperial Legislation, it is the intention of Government to introduce during the present Session any measure whereby authority may be conditionally obtained to levy a suitable excise duty on all reprints of British Copyright books in Canada, which duty shall be made applicable to the use and benefit of the authors and owners of such works? This excise duty is recommended in the joint report made by Sir Francis Hincks and Mr. Dunkin, and transmitted to England by His Excellency the Governor

General. The importance of acting at once during the present session and introducing a bill to levy a suitable excise duty in case the British Parliament consents to allow British copyrights to be reprinted in this country, must be obvious to every one in this House. If this is not done by the Dominion Parliament before this session ends, and unless power be taken to levy an excise duty and so be ready to correspond with the Imperial legislation which we hope for, another fourteen months may pass before we meet again and our printers and publishers be still left to complain of serious and oppressive grievances.

Hon. Mr. CAMPBELL—My hon. friend draws a conclusion from the language of Sir Charles Trevelyan—a mere inadvertence on the part of the latter evidently—which hardly does justice to the active exertions of Sir John Rose, for he continues to do all he can to promote the object we have all in view. In reply to the hon. member's question, I may say I am unable to promise that the Government will introduce a Bill during the present session for the purpose referred to. It is impossible to introduce a Bill without fixing the rate of duty. My hon. friend will see at present 12½ per cent. duty is collected. Sir Charles Trevelyan says that is a fair sum, but Messrs. Longman think it is not enough. It will be impossible to introduce a Bill until we see the action of the British Parliament, and have such information as will enable us to fix the percentage that will be satisfactory to all parties.

Hon. Mr. RYAN thought the same duty, 12½ per cent, would be accepted as quite sufficient, and that a conditional Act might be passed by the Dominion House of Commons to the effect that so soon as the Imperial Parliament shall pass an Act granting power to reprint British copyright works in Canada, then the Governor in Council shall have authority to levy an excise tax of not less than 15 per cent. on such reprints for the benefit of the author or holder of the copyright.

Hon. Mr. WILMOT—I think that the hon. member deserves much credit for the energy with which he has pressed the matter. It seems certainly a very anomalous state of things that the Canadian publishers are obliged to go across the lines to set up a printing establishment in order to print books for circulation in Canada. We should do everything in our power to encourage home industry—not drive it to foreign countries.

Hon. Mr. SANBORN—I think that the hon. member is entitled to every credit

for the perseverance he has shown in directing the attention of the House and Government to this important question. I had the honor of expressing an opinion on a former occasion, which met with some degree of approval, that we might have now the power of legislating directly on the question of Copyrights. We are seeking the power in a different way from what we are seeking anything else. When Legislative power is given to a Colony, it is well understood on constitutional principles it cannot be properly withdrawn; and when we have representative institutions we have the right of exercising all the privileges that they bring with them. We have exercised that power in former times with as little apparent right as in this case. I am aware that the Imperial Copyright Act does extend over the Colonies. I am also aware that with regard to Patents of Invention, which is a cognate question, and ought to be treated in the same way, full liberty has been conceded to us by the Imperial Government, and if I remember rightly it was conceded on account of a refusal on the part of the colonies to accept the Imperial view of the matter. It was the custom to issue Patents in England for all the colonies, but it was found that there was great reluctance even on the part of our Courts to enforce those laws, therefore they became nullities, and the issue was to leave the matter in our own hands. Now we might ask whether the same result would not accrue if we adopted a copyright law of our own. Will we not give equitable justice to authors, by dealing directly with this subject? Where is the impropriety of asking what Colonial Parliaments have done in several instances, legislating upon matters where there was, to a certain extent, an infringement of Imperial Legislation, but where, at the same time the spirit of our constitution, gave us this power of acting. It seems to me in that way we may best obtain what we now desire.

Hon. Mr. CAMPBELL—There is no doubt great force in the remarks of the hon. gentleman, and I think it advisable to bring the matter under the notice of the Minister of Justice, and ascertaining the possibility of obtaining the object in the way suggested by the hon. member.

Hon. Mr. RYAN—I hope this will not prevent the Government urging immediate action in the direction which I have suggested.

Hon. Mr. CAMPBELL—Certainly not. The letter I previously mentioned is now being written.

Hon. Mr. Sanborn.

POSTAL FACILITIES.

Hon. Mr. BOTSFORD made the following motion: That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to be laid before this House, a return shewing the number of special trains run on the E. and N. American Railway, and the portion of the Intercolonial extending to Amherst, or any portion thereof, from the 1st day of May, 1871, to the last day of December of the same year, stating the object, expense, and receipts of such special trains, and by whose authority they were ordered. Also a return shewing the names and numbers of all persons who have passed free on any portion of such railways, stating by whose authority and for what cause such free passes were given for the period above mentioned. In the course of some remarks on the subject he referred to the want of mail accommodation on that part of the Intercolonial Railway between Painsec Junction and Amherst. He stated from personal knowledge that there had been no passenger or mail trains between those two points, although they were running on other portions of the road. The Postmaster General lately made an arrangement by which a postal car was put on for the accommodation of the public, but on account of more importance being attached to traffic that car was constantly shunted off.

Hon. Mr. CAMPBELL would enquire into the matter, and certainly remedy any mistake that may have arisen. He did not understand why the matter had not before been brought under the notice of the Government. The returns asked for, he added, would be brought down as soon as possible.

ADJOURNMENT.

On motion of Hon. Mr. WILMOT, seconded by Hon. Mr. ARMAND, the House agreed that when it adjourned that day it should stand adjourned until the evening of Wednesday next.

IMMIGRATION AID SOCIETIES.

Hon. Mr. CAMPBELL introduced a Bill entitled an "Act to provide for the incorporation of Immigration Aid Societies," and in doing so, stated that it had been prepared in consequence of the formation at Ottawa last winter of a society to aid in the bringing of immigrants into this country. Under the Bill the Minister of Agriculture, will have power from time to time, to divide the Provinces into Immigration Dis-

tricts, in each of which there shall be an Immigration Agent. In each district, an Immigration Aid Society or Immigration Aid Societies, for the purpose of assisting immigrants to reach Canada from Europe, and to obtain employment on their arrival in Canada, and of enabling persons in Canada in want of labourers, artisans, or servants, to obtain them by such immigration, may be formed under the Act. The Society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration. The Society may receive applications from persons desiring to obtain artisans, workmen, servants or laborers from the United Kingdom, or from any part of Europe, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Canada. It was the object of the Government to give all the aid in their power to all Societies who were endeavoring to bring additional population into the country. He had no doubt the Bill would meet with the approbation of the House.

Hon. Mr. SANBORN had looked cursorily over the Bill, and could not see that it contained any objectionable features, but it seemed to him, the first clause might entail considerable expense, since it gave the power to the Minister of Agriculture to establish an office in every district. So far we have had considerable machinery to induce immigration, but with very little satisfactory results. Unfortunately the constitution under which we are now placed has divided the control of this mode of immigration. The Local Governments, besides, hold the lands which are the principal incentive of immigration. The Federal Government consequently was cramped as to means to effect the purpose it has in view, and could only resort to direct subsidy. He thought the best agents are local industries—the encouragement of manufactures and construction of public works. He thought it advisable to consider whether such Colonization Societies as existed in Quebec should not be legislated for in the same Bill—it would not be expedient to have two societies of a cognate character in the same locality. He was satisfied that whatever was done by the present head of the Department with the view of promoting immigration would be well performed; he was a man of business capacity and good judgment, and would bring those qualities to bear on the administration of this Department; but the same time it was well to remem-

ber that he was called upon to a large extent to make bricks without straw, since the means at his disposal for achieving anything were very limited.

Hon. Mr. WARK thought that the present Bill was intended to do a great deal of good, and expressed his opinion that it was not advisable for newly arrived immigrants to go upon wilderness lands before they had served some time upon cleared farms.

Hon. Mr. WILMOT expressed a similar opinion, and believed measures should be taken to keep our own people in the country by the encouragement of home industries.

Hon. Mr. CAMPBELL said that the objection raised to the first clause was met by the fact that any money required would have to be voted in Parliament every session. At present the immigration offices were few in number, and there was no intention just now to enlarge the number, but only when the necessity arose. He was sure that the Minister of Agriculture would read with pleasure the remarks of the hon. member for Wellington Division with respect to himself. A great deal had already been done in the direction of promoting immigration since his hon. friend had joined the Government. As respects the reference to the Colonization Societies he would mention the matter to the Minister of Agriculture.

The Bill was read a second time.

ST. FRANCIS AND MEGANTIC R. R.

Hon. Mr. SANBORN moved the second reading of the Bill intituled: "An Act to amend the St. Francis & Megantic Railway Act," the principal objects of which are to enable the additional issue of half a million of bonds, and the construction of a telegraph line along the route. Referred to the Committee on Railways, Banking and Commerce.

PUBLIC LANDS.

On motion of Hon. Mr. CAMPBELL, the Bill respecting public lands was made the first order of the day for Wednesday next.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, May 8, 1872.

The House met at 3 o'clock.

DOCUMENTS.

Hon. Mr. LANGEVIN laid upon the

table the correspondence, tenders, &c., relating to the improvements in the Rivers Thames and Sydenham; also reports of engineers and others respecting the canal on the St. Clair flats.

NEW BILLS.

Mr. SHANLY introduced a bill to confer additional powers on the Montreal, Vaudreuil and Ottawa Railway Co.

THE TREATY BILL.

Hon. Sir J. A. MACDONALD then stated that, in accordance with the arrangement made the other day, that the bill to give effect to the Washington Treaty should be proceeded with to-day, he would move, seconded by Mr. Mackenzie, that the Government orders be taken up, and that the bill be read a second time.

Hon. Mr. BLAKE, after some preliminary remarks, alluded to the fishery articles. It would be recollected by the House that the question of the fisheries was not a new one. During the existence of the reciprocity treaty, any questions that might have arisen out of possible collisions and violations by American fishermen of our undisputed rights, were set at rest. When that Treaty terminated it was the view of the then Government of Canada, that it was necessary to adopt prompt steps towards the assertion of the rights of Canada and the Maritime Provinces. At that period Confederation was imminent, and very properly the Government had regard to that fact in the observations they addressed to His Excellency with reference to the situation in question at that time. At any rate they had a very correct notion as to the importance of the fisheries, not merely in reference to their intrinsic value, but with reference to considerations far beyond any money value consideration of our exclusive right to those fisheries. He proposed to read to the House some extracts from the Minute of Council of the 23rd March, 1866, showing what the view of the Government then was. (He then quoted at length from the minute in question to show the views of the Government as to the importance and value of the fisheries to Canada, and the necessity for having our right to them fully protected.) The result of the minute was the statement by the Canadian Government that, in deference to the suggestion of the Imperial Government, they had agreed to adopt a system of licenses for one year, in the hope that in the meantime some definite understanding might be come to. This minute was followed by an attempt to open negotiations on the part of the United States

Government, which proceeded a considerable distance but fell through, apparently because the United States Government did not propose to prevent American fishermen from encroaching on the fisheries. The license system was then put in force, and the leader of the Government had informed the House that it was a failure. This was to a certain extent true. It was true that a nominal license fee had at first been paid to some extent, and that it was afterwards disregarded. Under these circumstances it was necessary that some line or other should be taken, and the policy abolishing license system and excluding United States fishermen from our waters was adopted. (He then read extracts from the report of the Minister of Marine for the year ending 30th June, 1869, as to the effect of the licensing system and its failure, as to the value of the fisheries and the necessity for taking some definite action in the matter.) Things went on for another year. The system of exclusion in course of adoption at this period was continued, and he would read the history of the question as it stood at that time. (The hon. gentleman then read from the report of the Minister of Marine for the year 1870 to the effect that the fisheries had much improved, which was attributable to the excellent fishery laws adopted by the Parliament of Canada; that the marine police had also been of great service in preventing infractions of the Customs laws by foreign fishing vessels; that the fisheries should not be given up without an adequate equivalent, and that the exclusion of American vessels had caused a great decrease in their trade.) It would be observed, therefore, that the policy of the Administration, acquiesced in by the country, was to maintain and preserve the fisheries, not merely for their money value, but for the higher consideration of asserting our right to our own. The open question was as to the headland lines. In reference to the three miles limit, as interpreted by the United States, there was then no claim on the part of that Government, and he had been astonished to hear the leader of the Government say, that there was a pretension worth mentioning, to the effect that the consequence of the Reciprocity Treaty was to abrogate the Convention of 1818. He (Sir John) had read an article to the House from an American Law Review to this effect, and he was annoyed that he should have thought fit to bring forward such an argument when the United States Government had put forward no pretence to those fisheries; but on the contrary, had admitted the indisputable

Hon. Mr. Blake.

right of Canada to them, and had issued instructions to their fishermen notifying them of the passage of the Canadian laws, and warning them that they should not violate them. Under these circumstances the policy of this country was that the question with reference to headland lines should be settled, and the Imperial Government agreed with us in our construction of the treaty upon that question, and in our construction of the treaty with reference to our trading rights. At the same time the Imperial Government was very anxious that there should be a liberal construction of what it agreed should be our rights, and he read from the report of the Minister of Marine and Fisheries to establish this point. Upon the urgent pressure of the Imperial Government, and pending the personal negotiation conducted by Mr. Campbell, the Canadian Government agreed to give a more unrestricted interpretation to that portion of the arrangement for the season. On the 9th June it was determined that Mr. Campbell should be sent to England to negotiate upon the fishery among other questions, and in the instructions to him he was expressly referred to certain reports of the 15th and 20th December, which had been already approved by the Government, which the Government admitted correctly represented the position of this question to which they desired him to call the attention of the colonial authorities in England, but which the House was now solemnly told were not fit to be brought down, as well from Imperial as from Canadian considerations. He thought they could all conjecture what the Canadian considerations were that they were purely governmental considerations. (Hear, hear.) Who could say, after all that had been brought down, after all the remonstrances that had been made, and after the strong expressions of opinion that had been uttered upon the subject, that the publication of these documents would be prejudicial to any interest other than the interests of hon. gentlemen opposite? The reason they had not been brought down was because they would prove damaging to the Government; for they would show that their position was still more humiliating, because of the change that had taken place in the views they had formerly expressed upon the subject. (Hear, hear.) But the House had enough before it to be able to form a judgment as to what was left behind. He then proceeded to read from the Minutes of the Council, and from the instructions to Mr. Campbell, to show the strong views the Government then entertained upon

the fishery question, which they had proposed should be referred for settlement to a Commission. The original proposition was that this Commission should be composed of three persons—a representative of Great Britain, a representative of the United States, and a representative of Canada. He asked if that proposition had been accepted, and the Minister of Justice had been appointed under it, what position he would have held? He maintained that the hon. gentleman would have been a Canadian Commissioner, and that no other argument was admissible. He (Mr. Blake) read further from Mr. Campbell's instructions, and from the correspondence between the Government and Lord Kimberley, upon the question of appointing such a commission, composed of one British, one Canadian, and one United States Commissioner, and argued that while the Canadian was to be an Imperial Commissioner he would more especially be a representative of Canada, having a right to assent to or reject any propositions that might be made before the Commission affecting Canadian interests. It would be observed that, in the correspondence between the Imperial Government and Sir Edward Thornton, the latter was directed to communicate with the Governor-General, and that correspondence must have taken place between the British Minister and His Excellency's advisers, but that correspondence had not been brought down. The House had not been told what communications had passed between this Government and Sir Edward Thornton upon the subject of the Commission. The only official information there was upon this point was in the speech from the throne last session, in which the statement was made that it had been decided to refer the fishery question to a commission, upon which Canada would be represented. He (Mr. Blake) also read a further passage from the speech and from Orders in Council to show that, in the opinion of the Government, the policy of exclusion had been perfectly successful, and attended with the happiest results. He read also from a speech of Sir John Macdonald last session, in explanation of these passages from the speech from the throne, in order to establish the fact that the acceptance of the appointment as High Commissioner was subsequent to the enlargement of the scope of the Commission at the instance of the American Government. The House had been told, however, that this enlargement could not in the slightest degree injuriously affect the interests of Canada, for the hon. gentleman had stated in a speech delivered on 20th February last

year that the Imperial Government had given repeated assurances that none of the rights of Canada would be surrendered without her consent, and that the action of the Commission would not be final and conclusive, but would go before the House of Lords and the House of Commons. Now he (Mr. Blake) demanded that those assurances should be produced, which the first Minister had pledged himself to give when he asked the House to abstain from an expression of an opinion with regard to the Commission. When he asked the House to stay its hand, and when he told it that there were repeated assurances from the British Government, first, that not one of the rights of Canada should be surrendered without her consent, and second, that the action of the Commission would not be conclusive, but would go before the House of Lords and Commons, those assurances had been believed. The right of navigating the St. Lawrence had been surrendered without consulting Canada, and the House of Lords and Commons together could not undo what had been done in that respect. (Hear, hear.) He (Mr. Blake) then passed on to consider another declaration made by the first Minister on the 24th February, when, in deprecating the proposed motion of the hon. member for Sherbrooke, he said that if it passed he would go to Washington as a mere delegate, having no voice in the deliberations of the Commission. It thus appeared that if he had received instructions from the House he would have gone as a delegate, but without instructions he would have been a representative. (Hear, hear.) That was the character in which the hon. gentleman had accepted the appointment, and it was because he had assumed that position that he (Mr. Blake) felt at the time that it would be better to leave him free and unfettered in his action and responsibility. If the House had been told, however, that the hon. gentleman was to come back and plead that, although he had assurances from the Imperial Government that nothing would be done without the consent of Canada, he was bound while at Washington to follow the instructions of Her Majesty's Government alone, without any power of vetoing propositions which affected Canadian interests, he (Mr. Blake) did not believe the House would ever have done what it had done. He certainly, had he anticipated the result, would never have taken the responsibility of tendering to the hon. member for Sherbrooke, the advice he had tendered, to abstain from asking the House to give expression to an opinion upon the question. The hon. gentleman opposite, last year, stated that

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no condition of the treaty affecting Canada would become law, unless ratified by the Canadian Parliament, and there was therefore no risk. He (Mr. Blake) had then stated his willingness to let him go to Washington, as a Minister and Commissioner to carry out that view, on his own responsibility. Anterior to this, however, and while the hon. gentleman was talking so loudly of Canada's rights not being surrendered without her consent, and when the unanimous opinion of the House and the country was that the principle of exclusion from the fisheries was the true policy, and that the fisheries should not be surrendered for anything short of reciprocal trade relations, there was a despatch by cable which they were told was in substance contained in the despatch of the 16th February. This despatch he read, acknowledging Canada's rights to retain the fisheries, but suggesting the advisability of a money payment as compensation for their cession, so as to avoid disputes. Was that suggestion contained in the cable message also?

Hon. Sir FRANCIS HINCKS.—No.

Hon. Mr. BLAKE thought the hon. gentleman would say so when he had taken time to reflect. Why was not the country informed of these suggestions instead of being left to grope in the dark? It was, however, stated in the cable despatch that Her Majesty's Government would not consent to any foreign exclusion? Was not that a pretty broad hint, and one which ought to have been stated? Supposing a proposal had been made that the fisheries should be sold, how many voices would have been raised in its favour? Would one single member in the House have advocated such an idea? The hon. gentleman heard that a foregone conclusion would not be allowed, the policy of exclusion would not necessarily be adhered to, yet he gave no whisper of alarm. The hon. gentleman boasted that, on the 10th of March, he caused a telegram to be sent that the Canadian Government held that the fisheries should not be settled without their consent. He knew that the sentiment of the country was against a sale, and it was, therefore, his duty to say, "I cannot consent to a proposal for the cession of the fisheries for a money payment at all, and I will have nothing more to do with it." He then referred to the instructions given to the Commissioners, in which it was stated that Her Majesty's Government would be glad that the Commission should come to a conclusion on the matter of the fisheries, but feared they would find it expedient that a settlement should be arrived at by some other means, and

suggesting in that event a reference to an independent and different Commission, not hampered with the *Alabama* and other matters. Only one week later, under date of 16th February, the British Government proposed, as a thing to be desired, the settlement of the fishery question by a money payment. As to the account given of the proceedings in Conference, it was most inconvenient that one of the Commissioners should state that the protocols did not properly represent the case, and must only be taken with his explanations. Well, the Commission very soon came to the discussion of the fisheries, when the British Ministers stated that they were prepared to discuss the question in general or in detail, either by taking into consideration the rights of the two nations, or by dealing with the matter in a more comprehensive view, leaving it thus altogether to the Americans. It need not be doubted that the Americans chose the view which best suited them. Then came a discussion as to reciprocity, which was a solemn farce, for every one knew that it was quite hopeless to try to obtain a Reciprocity Treaty. How did this tremendous change, as far as Canada was concerned, take place without one word of protest and objection? The only protest was that Canada thought the fisheries should not be sold without her consent. When the hon. gentleman was going to Washington, he stated that the first thing to be discussed was what were the rights of Canada; then how were they to be enforced, and then what compensation would she receive for any rights she surrendered. He agreed that that was the true way of dealing with the matter; and the hon. gentleman had then correctly stated the order of events; but immediately afterwards he reversed it. It had been stated that the hon. gentleman could not protest, and that he could not have threatened a withdrawal; but when he found that such a change had taken place as would never have been sanctioned by the House or country, it was his duty to maintain that Canada's well understood views should not be disregarded. The hon. gentleman, the first minister, had pointed out that there was now a reciprocal right to fish; but he thought that argument could scarcely be pressed; for it was well known that the American fisheries were almost useless; and if the Americans, by their recklessness, had almost worn out their own fisheries, how long would it have been before they would be at our mercy? And so soon as they could get no fish of their own, their markets would have been open

to us? Practically, the present arrangement was a cession of our rights for money, and after the statements in the despatches of the Imperial Government, hon. gentlemen could not now turn round and say it was a transaction of reciprocal trade. He (Mr. Blake) objected to a cession of territorial rights for a money consideration at all. It was not only objectionable in itself, but its inevitable tendency would lead to future exactions of the same description. He maintained that the Treaty failed to settle Canada's rights in the fisheries, and that every year during which the question was left open, would make a solution more difficult. If the question had been settled there would be, at the end of the twelve years during which the Treaty would continue, only the question whether or not they should revert to the old system of exclusion. It was a blunder in statesmanship that the British Commissioners, when they determined to accede to the granting of the common right to the fisheries, did not stipulate that Canada's rights should be acknowledged at once and forever. It was absolutely necessary, in order to the carrying out of the clauses of the Treaty, that those rights should be settled; because on that settlement would depend the amount to be paid as compensation. All the reasoning on which the Treaty had been founded, every argument used by the British Government, and every argument which hon. gentlemen opposite urged, were based on the proposition that there was a source of irritation and dispute between the two countries, which would be settled by the Americans being admitted to the common right of fishing, and which it was dangerous to the peace of the Empire to leave unsettled. Hon. gentlemen opposite had always argued that the longer the rights in question were left undefined, the more difficult would be the solution when the time came for an amicable settlement; and, therefore, by that argument, whatever the difficulties were last year, they would be increased ten fold at the end of ten or twelve years. A course might have been adopted which would have given more leverage and a greater power of resistance to those proposals, which every man of ordinary foresight must perceive would be made at the end of the twelve years. Had the Treaty provided an annual payment, to endure for twelve years only, there would, at the end of that time, have been a necessity that there should be a new arrangement of some kind; but, instead of this, a gross sum was to be paid—not as the value of

the fee simply of the surrender privileges, but as the value of twelve years' purchase. At the end of this time, Canada would have to give a notice, and if there was difficulty in settling her rights now, that difficulty would then be an impossibility; and he maintained, therefore, that the practical result of the Treaty was to cede the fisheries forever, in return for twelve years' purchase. As to there being now a critical state of relations between the two countries, why, there would be the same then; the same hectoring, the same blustering and bragging, if only for the purpose of retaining the fishing privileges. It had been urged in favor of the Treaty, that it gave Canada the free right to export fish and oil to the United States. Was this so? There was now a bill before Congress awaiting the decision on the Treaty which would give American fishermen a bounty on all their earnings, and this would still put Canadian fishermen at a disadvantage; and so the present inequality would be restored, it might not be to so great an extent, as the bounty might not be so large as the duty, but still there would be the inequality. If the Treaty had been intended to remove every difference, it should have contained a provision that American fishermen should receive no bounty. Hon. gentlemen opposite had stated it to be utterly useless to connect the fisheries with the subject of reciprocity; but he believed that the fisheries were a great lever in obtaining reciprocity. It was something Canada had to give, but that something was now gone, and gone forever. The hon. gentleman on this subject had been more than usually inconsistent. He had told them with much earnestness that the exclusion of the Americans from our fisheries was productive of disputes and contention, and that it was necessary, in the interests of the Empire and peace, that they should be allowed to participate. Shortly afterwards he had told them that the American people did not want the fisheries, almost the whole of the Union being against that portion of the Treaty, and they would be glad if the fishery clauses were rejected. He (Mr. Blake) was amused at that branch of the hon. gentleman's argument. The navigation of the St. Lawrence was unquestionably a territorial right, equally with the fisheries, and he thought the argument that the question was one of boundary was a poor one. The Treaty dealt with the navigation of the St. Lawrence from its point of contact with the United States to where it became a part of the ocean, and the question was one of the right to navigate the river within our exclusive

bounds, a right appertaining to the various Provinces anterior to the Dominion, and confirmed by the British North America Act. The hon. gentleman had stated that England had given repeated assurances that the rights of Canada should not be surrendered without her consent. Was not the navigation of her rivers a right of Canada? They had also been told that technically the Empire had the right to cede territorial rights, and not only our waters but the lands over which they flow, however wrong such a cession might be. But he (Mr. Blake) considered that England had no right to cede the navigation of the St. Lawrence without the consent of Canada. The hon. gentleman had set his hand to a Treaty which, without the consent of this country by her Parliament, parts with the navigation of the St. Lawrence. He considered that a stronger acknowledgment of the extent of our right should be given than that given by the United States on the Reciprocity Treaty of 1854, when they accepted as a privilege, under the terms of that treaty, the right to navigate the St. Lawrence. He then referred to the treaty of 1846 under which, he said, the North Branch of the Columbia river was in precisely the same position, according to boundaries then fixed, as the St. Lawrence is at present. He maintained that the navigation of the St. Lawrence in the west and the fisheries in the east, were the lever by which Canada ought to have obtained fair terms from the United States. The treaty gave Canada the right of navigating Lake Michigan, for 12 years, and he thought a similar limit should have been made as to the Americans navigating the St. Lawrence to Montreal. He charged the Minister of Justice with cowardice, in not asserting his rights against the cupidity of the United States. By the treaty of St. Petersburg, Canada had the right to navigate the rivers of Alaska, but the British Commissioners evidently knew nothing of that treaty, and proposed that the navigation of these rivers should be ceded to them, and the Americans had assented with a grave face on one side and a laugh on the other. He could not believe that the British Government had ceded the navigation of the St. Lawrence without the consent of the Canadian Commissioner or the Canadian Government, either expressed or implied. There was no doubt that there were certain difficulties in consequence of the treaty-making power being in the empire, and to carry out the constitution it would be necessary from time to time to make such arrangements as would practically give authority to the colonies in such matter.

It being six o'clock the House rose.

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AFTER RECESS.

INTERNATIONAL BRIDGE.

The House went into Committee on the bill to confirm an agreement between the Grand Trunk Railway Company and the International Bridge Company. The Committee adopted the bill and reported.

The bill was then read a third time and passed.

MONTREAL TELEGRAPH COMPANY.

On motion of Mr. BOLTON the bill to extend the powers of the Montreal Telegraph Company was read a second time.

THE TREATY BILL.

Hon. Mr. BLAKE resumed his speech on the second reading of the bill to give effect to the Treaty of Washington. With regard to Fenian claims he had said, when the subject was brought up by the member for Lennox the other day, that he regretted its premature introduction, as it might complicate the general discussion; but he was now glad that it had been brought up, as he would not be called upon to speak at any great length now. He desired to speak particularly of the position of those claims. The House knew that for several years Fenian raids had been a source of anxiety and difficulty in this country, that we had been obliged to undertake from time to time very large expenditures on account of them. This was not the only inconvenience. The men who had come forward bravely to defend the country had done so at great loss to themselves. The House knew that the feeling of insecurity had a bad effect on the country, both by withdrawing foreign capital and causing a stagnation in business affairs. There were also the considerations of a different character in the loss of the lives of the brave men who fell in our defence; and besides all this, we were suffering extreme indignity in the position in which we were placed with reference to the neighbouring power, because these raids had been organized and encouraged there, public drilling had taken place, and public speeches had been made by men in high position in the neighbouring republic against this country; and all this was going on for a long period, culminating from time to time in fresh attacks, causing inconvenience and difficulty to the country. He maintained that the language of the Government which he had quoted expressed in terms not at all too strong, what was the position of the empire towards the United States in this matter; but the conduct of the Imperial

Government had been very strange, and it was painful to contrast their course with that they had adopted in the case of the capture of Englishmen by Greek brigands, and towards Abyssinia. The Government had stated in their despatch of the 1st July that, having received all the information asked for as to the representations made from time to time by Her Majesty's Government to the Government of the United States, they were of opinion that, during all those years of suffering and loss, Her Majesty's Government had not made any other vigorous effort to put a stop to the wrong. He entirely concurred in this language. At the very time these things were going on, and they were refusing redress to us, the United States were claiming redress on account of the *Alabama* depredations. It was not necessary to show the difference in enormity between the two cases; but he would repeat a few extracts from a memorandum the Canadian Government had prepared for transmission to the Government of the United States, in order to show on what they based the Fenian claims. The hon. gentleman then read from the memorandum in order to show the case as presented by the Canadian Government. The memorandum pointed out the wrongs that were being permitted by the United States in fostering the Fenian organization, and referred to the fact that Mr. Colfax, now Vice President of the United States, had been present at Fenian meetings, and had openly encouraged them. He had alluded to this in order to show how great our grievances were, and how utterly inconsistent with the position of an independent power it was, that those grievances should remain unredressed. But the hon. gentlemen opposite were now ready to put this case as a case of minor importance, and were ready to deal with it as a mere matter of money. In his opinion they lowered the question altogether, when they talked of it as a question of money. The point that was desired was an acknowledgment that there had been a disregard of the duty of a neighbouring state, and the settlement for the future of the question, whether it was right or wrong, in accordance with the principles of international law or not, that the Government of the United States should allow its citizens and subjects to drill and organize for the purpose of invading a friendly power. That question entirely overbore the simple question of money loss. The hon. gentleman had said that our claims were principally of the character of indirect damages, and that it would have been very embarrassing to have pressed them.

The empire was at that time acknowledging that the cost of fitting out cruisers in order to capture the *Alabama* was within the scope of damages recoverable, and what were we asking for? We were asking for the direct damages involved in our being obliged to fit out an army, and for the loss of life which had occurred; and the law which they agreed should govern the *Alabama* claims should govern ours. The Imperial Government had not taken the ground that there were no direct damages. They stated that they would urge them no further, because a part of them were inferential; and because of this they had decided to abandon them all. He did think that this question, at the conclusion of the conference, stood in the most unfortunate position possible for the Empire. He did not believe that the policy which dictated the treaty was the true policy in the interests of the Empire. He did not believe that the concession of undisputed rights to the cupidity and earnestness of a neighbouring power would ensure friendly relations. He did not believe that the abandonment of clear, plain, and just demands, like ours, was the way to obtain a cessation of the causes which led to them. As he had said before, he thought the question of money was of minor importance compared with the difficulty of loss of prestige, of sovereignty, and self-respect which we had suffered for the Empire, in giving up the consideration of the question of what was the duty of the United States in time of peace. The Government expressed their views both as to the Fenian claims and fishery claims in June, and were answered as to the latter by the Colonial Secretary. There were no new arguments in that answer, and in July, with the whole Imperial argument before them, our Government came to a conclusion as to their duty, and that conclusion was evidenced in their despatch of July, which indicated in the plainest terms that, notwithstanding the Imperial considerations alleged by the Colonial secretary, they were not prepared to accept the treaty or accede to the withdrawal of the Fenian claims. He would read what the Government had said of the Fenian question. He then quoted from the despatch, speaking of the general dissatisfaction of the people on account of the non-removal of the principal cause for anxiety between the two countries, stating that the Privy Council were very apprehensive as to the difference of opinion between Canada and the United States as to the duty of a friendly state in a time of peace, and adding that the Fenian organization was still in full vigour,

and there was no reason to hope for a better performance by the United States of their duty in the future than in the past, and terming the matter as one of the greatest importance to the people of Canada. That despatch was written in the proper spirit. There was then no mention of the paltry question of money. Hon. gentlemen then took the proper ground; but, if they were right how far were they fallen now from that time when inflamed with zeal for the country and rising to the dignity of their position, they wrote that despatch? Not a word was said from the other side, and yet, in January they wrote, proposing a guarantee of four million pounds of compensation for the whole matter. They proposed not to leave the question open to be resumed at a more convenient time, when England should rise to a sense of her duty to the world and to the United States, but to abandon the matter, and take from England an endorsement of a bill for four million pounds; thus admitting that all this highflown writing, all this dignified statement, all this high appreciation of what the honour of the country required, was merely affected to enhance the amount of money to be paid by England. (Cheers.) First, England was to discharge her duty; next, she was to pay for neglecting to do so. The observation of the member for Lambton was indisputably correct, that the proposal was utterly unaccountable, remembering how they had spoken in July, and then how they had proposed to abandon the claims, and agreed that the question should be left. He need not say that if the Empire was willing to make such an arrangement for the sale of our honour and for the blood of those who had been slaughtered in our defence, of course the claim would not be pressed. If the English Government did not press it in the face of the despatch of July, would they be likely to do it now? And the United States, after declining to consider it would now know that it had been settled by the acknowledgment on the part of the whole Empire, Canada included, that it was not fit that the Republic should be called upon to discharge its duty, and that—he was not afraid to say it—we were afraid to demand fair justice and the discharge of ordinary duties from them. Under these circumstances the proposal of the hon. gentleman inflicted upon us the most serious injury possible. What cause could they cite to make correct the despatch of January, if that of July was correct? As to the money argument, assuming that it was worth all that was stated by the Minister of Finance, it was not

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for that money that we should have given up our position. Only to-day the hon. member for Lambton had received a representation of the circumstances of the widowed mother of one of the young men who fell at Ridgeway. To say that there should be no application for redress, and no proposal that these disgraceful outrages should be prevented in the future, was something that the House was not prepared to forget or forgive, and they would not forget or forgive the men who had made the proposal that the empire should provide the compensation. In reference to the fishery clauses the Government stated in July, that they were not fair, and maintained that there had followed no possible reasons which could induce a change of view. He recognized the duty of looking to Imperial interests, but denied that they should judge of those interests entirely on the representations of those who might chance to be in power in England. He was prepared to consider the question as the Government had considered it in July, and it devolved on them to show that there were Imperial considerations adduced afterwards which overbore their own determination. Hon. gentlemen opposite told them that the guarantee was given solely with reference to the Fenian claims; but he believed, from a perusal of the papers, that the proposal was that they were prepared to ask Parliament to adopt the fishery articles, and abandon the Fenian claims on getting the guarantee. Hon. gentlemen, in the correspondence, stated very properly that the cession of territorial rights for a money consideration was most repugnant to the feelings of the people of Canada; and yet they so judged, or he hoped so mis-judged, the feelings of Parliament as to believe that, when they stated that they had obtained the guarantee, they might say, "Put your feelings and your honour in your pocket; England has agreed to guarantee our bill; we have sold our claims to good advantage; let us be thankful." (Cheers.) That was the position, and he desired hon. gentlemen to show where Imperial considerations were suggested to their minds that induced them to change their views. The reason was that they believed they could induce the people of Canada—having pointed out our injured feelings how soiled our honour, how humiliated our feelings at the attitude we were called upon to take,—to make the sacrifice and adopt the measure, if only they could show the Treaty in one hand, and the money in the other. If the sacrifice was to be made at all, it would have been much better to have it made on

Imperial considerations only, and Canada would have stood much better with England if she had accepted an unacceptable treaty, because she believed it to be in the interests of the Empire, than by simply raising objections to increase the amount she was to receive. To come down, however, from this high ground, and take the question of money. He maintained that the statement of the Minister of Finance was fallacious, and that all Canada would gain by the guarantee would be, not \$600,000 as had been stated, but merely $1\frac{1}{2}$ per cent. on the \$12,500,000, and for this they were to abandon the Fenian claims, and the hope of security in the future that would be derived from a recognition by the United States of her duty towards us, and also to accept the fishery articles. There had been good evidence of the continuance of the Fenian organization in the recent raid in Manitoba, which, small and insignificant as it was, would cost near a quarter of a million of dollars. He did not believe that the proposed arrangements were in the interests of the Empire or of peace, or that they would solve the difficulties between the two nations, and while he was prepared to agree that a liberal, and fair and reasonable view should be taken, he was also prepared most distinctly to affirm that it was all important that no plain, clear, right should be ceded away simply because others had set their hearts upon the acquisition, of what was not their own. Those who spoke of the treaty being in the interest of peace were greatly mistaken. They called "peace" when there was no peace. He had been called upon to remember the monarchy, of which they were a part. He did remember that monarchy, and its arms and motto—"Dieu et mon Droit"—God and my right. That was the motto under which our sovereign had ruled, and whether the appeal should be to the God of Battles, he believed that appeal would not be unanswered if only the case were "My right," if we maintained "God and my right"—and who would dare to say we were asking for more? He had no doubt that truth and justice would prevail, and that no danger would ensue on their asserting plainly and temperately what those rights were; but they would be untrue to the motto which had stood at the head of the monarchy so long, if they were now to say that plain, clear and distinct rights should be abandoned from alleged, though he believed false, expediency. If, however, the Treaty was to be ratified, they were free to express their opinions and the opinion of the country, and they were surely free; they were

surely bound to say that the proposals of gentlemen opposite, subsequent to the negotiations, were not such as were consistent with the honour of the country, or such as the House should adopt. He moved, seconded by Mr. Hon. Mr. Dorion, the following amendment:—"That before proceeding further with the said bill, this House feels bound to declare that, while Her Majesty's loyal subjects, the people of Canada, would at all times make any reasonable sacrifice in the interests of the Empire, there is just grounds for the dissatisfaction pervading the whole country as to the mode in which our rights have been dealt with in the negotiations at Washington, and the subsequent proposal of our Government that England should adopt a Canadian loan as the price of the adoption of the treaty, and the abandonment of the claims in respect of the Fenian raids, which affect not merely our peace but also our honour and our peace." (Loud cheers.)

The hon. gentleman resumed his seat shortly after nine o'clock, after a speech of nearly four hours duration.

Hon. Mr. MACDOUGALL said that, from the peculiar position he occupied towards parties in this House, he felt bound at the earliest opportunity to state the views which he entertained with respect to the course that ought to be pursued upon the motion of the Minister of Justice, for the second reading of this bill. With regard to the amendment that had been offered by the hon. member for West Durham, he judged from the tenor of the speech with which it had been prefaced, and from the language in which it was couched, that it amounted practically to a declaration that this House should reject the Treaty of Washington. (Hear, hear.) Now, from the first day on which he (Mr. Macdougall) had had an opportunity of perusing and considering the provisions of the Treaty, he had come to the conclusion in his mind, without any meditation, without any doubt, and he had had opportunities of knowing something of the discussions that had preceded the important deliberations which resulted in the treaty—that it would be his duty as a representative of the people in this House to give his support to the treaty. He believed upon examination of its various clauses and conditions, that it was a treaty framed in the interest of the people of this country, apart altogether from the question which had been discussed at as much length and with such ability by the hon. gentleman who had preceded him. (Hear, hear.) After all the discussion that had taken place upon it, after all the opinions that had been expressed in this

House and the country, after all that had been said about it by the public press of England and the United States, as well as in Canada, after every point had been fully brought out that could be suggested, his firm, deliberate conviction was that the treaty made between England and the United States was, so far as the clauses which affected the people of this country were concerned, a good, a desirable, and a beneficial treaty. (Cheers.) That was the view he entertained, and it was not one which would be disturbed by considerations as to what hon. gentlemen opposite had said or done; whether their despatches were correct, or their negotiations cleverly conducted; whether they were right on this or right on that; or whether the first Minister had throughout acted consistently or not, he thought that these were questions of minor importance, which had no real bearing upon the subject before the House. Hon. gentlemen were here as members of the Canadian Parliament to consider whether or not this short bill should become law; and, as the discussion seemed to be wandering away from the real question, he would read the words of the proposed enactment. He then read the preamble and first clause of the bill, and continuing said, that that was the question before the House. Was it expedient or was it not, to adopt this measure? He said it was expedient; he said it was necessary; he said it was their duty as representatives of the people of Canada to adopt the necessary laws to carry that treaty into effect, (hear, hear,) and he would endeavour to give hon. members of the House some reasons, from the point of view he occupied, why they should do as in this Act it was recited it was their intention to do. He had said that the previous discussions were unimportant so far as meeting the question really before the House was concerned; but in another light they were important as aiding in an understanding of the progress that had been made in regard to this matter. He was not one of those, even when he had had the honour of a seat upon the other side of the House, who had taken so strong a view of the fishery rights of Canada as some of his hon. friends on both sides of the House. He had never been confident that the right to exclude the fishermen of other countries from the privilege of fishing within the three mile limit of our coasts was a right which it was so important to maintain for the sake of any advantage that we derived from it. He had heard no arguments, either in the House or elsewhere, nothing had been put forward in all the discussions that had taken

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place, to satisfy him that the fishermen of the fishing colonies would catch more fish, would make more money, would be better off, would be improved in any of their material circumstances by excluding foreign fishermen from our waters. Could it be shown that any serious detriment would be done to their interest? why we should make a more rigorous bargain? why we should cling more tenaciously to those rights than we had done? He had not, however, taken that view. He had not been able to convince himself, and he had examined the subject with a good deal of care at a time when he was responsible for dealing with it as a member of the Government, that the advantage which flowed from exclusive rights over the fishing grounds was serious and substantial in its nature. (Hear, hear.) During the whole time the Reciprocity Treaty of 1854 was in force, American fishermen were permitted to land upon our coast, and to fish in our waters. When that treaty was negotiated, there was a great outcry against it in the Maritime Provinces. The people there said their interests were seriously menaced by the treaty, and that, if it were ratified, irreparable injury would be done to them. But as time went on, and the result of the operation of the treaty was seen. What was the consequence? Why, the people of Nova Scotia and the other Provinces found that the treaty, while it yielded a right, conferred corresponding advantages. A great trade which they had never anticipated sprang up in consequence of the admission of American fishermen, and instead of the ruin they feared coming to pass, they gained so much in every respect that they desired a continuance of the treaty rather than its repeal. It was found, too, that the people of Prince Edward's Island also experienced the great advantage of the treaty in respect to trade in coarse grains with the United States, which was largely increased by the permission granted to Americans to land upon the coast for fishing purposes. In that colony, too, there had been apprehensions, and he doubted not they were sincere, that that treaty was a virtual surrender of their rights, a trading away of their privileges and advantages for the benefit of foreigners; but the result proved that the treaty was really beneficial to the people of the country, and when the privileges given to the citizens of the United States were freely enjoyed by them, they in their turn brought so many benefits that we heard no complaints from the colony. No injury was done to the fishermen of the island; on the contrary,

the trade which grew up was found to be doing good in many different ways. More goods were imported than ever before; commerce was brisk; stores were opened and profits made which never would have had an existence, had it not been for the treaty. (Hear, hear.) So, too, under this treaty he believed the same advantages would be gained, the same results would be found to follow. Looking at the matter, therefore, as a question of advantage or disadvantage, he was convinced that good would come out of the treaty, and he had heard no sufficient reasons advanced in this House to show that there was any great injury likely to arise from the privileges which it conceded to the people of the United States. (hear, hear.) But Canada got advantages. This was a reciprocity Treaty. (Hear, hear.) As he had read it in the first place, and subsequent examination only confirmed that view, the principle of reciprocity ran through the whole of it. First, as to the fisheries. Under this treaty we permitted the Americans to come within the three mile limit to fish in our waters. It had been argued by gentlemen on the Opposition side of the House, and by the press which represented them, that by the treaty we gave up this right; that we had made a concession to the Americans which we could never recall; and that by permitting them to share in our fishing privileges, we had given them a foothold which they could retain for ever. He took the contrary view, and he was satisfied that every honest lawyer who looked at the matter dispassionately, and who applied the same rules in analysing the treaty, that he would apply to a case in a court of law, would see and admit that by this treaty the Americans recognized our absolute right of control over the fisheries upon our own coasts within the three mile limit; that President Grant, when he signed his name to the treaty, and the Senate of the United States when it confirmed it, did each of them perform an act which was a clear and distinct recognition of the rights we possessed, and what it was now claimed we had given up and would ultimately lose altogether. It was true that the question of headland line, which was a special and separate question from that respecting the three mile limit, had not been touched upon by the treaty. That remained just where it was, and it might be a serious question for consideration or not. In his opinion it was not a serious question, and if we raised no difficulty about it, it would cause no grave discussions or consequences amongst our neighbors. The principle of reciprocity

was then recognized in the treaty by conceding to Canadians the right to fish on the American coast.

Mr. YOUNG (ironically), hear hear.

Hon. Mr. MACDOUGALL—It was said that that was no advantage. Well, opinions differed upon that point. He had learned from some who were better informed upon the subject than the member for Waterloo could be, that it was a great advantage, and in the course of his speech he (the Minister of Justice) had shown very clearly that it was an important object to gain that Canadian fishermen should have full liberty to resort to the American coast in order to procure the best bait to be used in their mackerel fishery. (Hear, hear.) Well, in addition to that privilege, and in further accordance with the reciprocity principle, Canadians, under the treaty, would have a right to send their fish, when they caught them, into the best market, and hold for sale, upon precisely the same terms as American fishermen, free of charge, and without hindrance of any kind whatever. They who know best, no matter what might be said here about it, appreciated that privilege, that feature of reciprocity at its true value. We heard no complaint from them; we only heard complaint from hon. gentlemen who came from the western part of the Dominion; from the leader of Opposition in this House and the leader of the Government in another House, from another leader outside of the House and from some of the followers of those gentlemen. They had gone about the country it seemed upon one of those itinerant journeys they were occasionally so fond of (laughter) endeavoring to agitate and alarm the country with some story of evil omen, some sinister statement that a great surrender was to be made of our fisheries, which was to cause wide spread injury to the whole country, and especially to the people of the Maritime Provinces. (Cheers.) But the people who were most interested in this matter, the people who were upon the spot, those who were engaged in the fishing business and who knew better than hon. gentlemen from Ontario could tell them what was to their advantage or disadvantage, were very well satisfied with the treaty. (hear, hear.) He found, with regard to Newfoundland, in which the principal interest was the fishery, that the leader of Government in that colony, upon being asked by telegraph to join in protest against the treaty, that protest which the House had been informed to-night had been pronounced in Ontario after consultation between the hon. member for West

Durham, and the leader of the Opposition party, and which had been repealed by the Government of Nova Scotia, replied in a despatch to this effect:—"Cannot see at present the propriety or utility of protesting. Will write by mail." Now what was the answer that had come by mail? Mr. Bennett wrote to Mr. Vail, of the Nova Scotia Government, in this language: It is the desire of this Government to avoid any collision with the Imperial wishes that do not necessarily demand our interference. We view England as our actual protector. She has always acted not only justly but generously towards us. We have no apprehension that she will in any way prejudice those rights and privileges which she so liberally granted to the people of this colony under their valued constitutional charter. She has left us to exercise our own discretion and free will to enter the Confederation of the North American Provinces under the Dominion flag, and we have every confidence that she will protect us in the enjoyment of these rights and privileges which are so essential to our prosperity and happiness." (Hear, hear.) That was from the leader of the Government of Newfoundland. Then, with regard to the feeling in Prince Edward Island, he found Lieutenant-Governor Robinson, on behalf of his Government, speaking in the same sense. In a despatch to Lord Kimberley, the Lieutenant-Governor said:—"I am confident that your Lordship will receive with much satisfaction the intimation contained in this despatch, and that the prompt and loyal action of the Government of Prince Edward Island will predispose Her Majesty's Government to comply, as far as possible, with any reasonable request which my advisers may consider it to be their duty to prefer." Both these Governments, therefore, the Government of Prince Edward Island as well as that of Newfoundland, had intimated their willingness to accept the Treaty, and not only that, but to permit it to go into operation immediately. They were prepared to assent to it in advance of the meeting of their Legislatures, so satisfied were they that on the whole it was not disadvantageous to them, that there was no utility in refusing their assent, and no sound policy to be served in resisting those clauses which the Imperial Government had left it in their power to accept or reject. So far, then, as he (Mr. Macdougall) had been able to observe, the people of all these fishing Provinces were well satisfied with the provisions of the Treaty of Washington. (Hear, hear.) Now the House had heard a great deal to-

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night, and had read and heard a great deal previously, as to this being a matter of honour; that we ought not to barter away our honour, our nationality, our independence, our territorial rights for money. Well, it had occurred to his mind during this discussion that it was Her Majesty's Imperial Ministers who were charged by the laws and constitution of the realm with the duty of making treaties with foreign powers, and that it was not Canadians who were charged with that duty, or could be held responsible for the conventions between England and other countries. He thought those Ministers had as high an appreciation of what was due to the dignity and honour of England and would be fully as sensitive upon that point as the hon. member for Lambton, for instance, or any other of Her Majesty's subjects could be. If, then, they had come to the conclusion to advise Her Majesty to give her assent to this Treaty, and upon that advice Her Majesty, who was the fountain of honour, had signed it, he thought it was a reasonable presumption that the honour of England had been untouched, that her dignity had not been compromised, and that the rights neither of the Mother Country or the colonies had been given away without an adequate advantage having been gained. (Cheers.) And still more had he reason to take this view when he found that the Treaty was approved by the Imperial Parliament, for it had been submitted by the leaders of the Government in both Houses, and no objection had been taken to it; at any rate no motion had been made against it; on the contrary, those who were in Opposition, as well as those who ordinarily supported the Government, congratulated the Ministry and the nations upon the favourable settlement of the serious difficulties and dangers which had threatened the relations of these two great countries. [Hear, hear.] He had already alluded to the manner in which the Treaty had been received by those whose interests were directly affected, and who would be the first to exhibit dissatisfaction if there was any justification for it. In no part of the Dominion, however, had there been any objection, except where, from their situation, the people had no interest, and knew very little of the matter. It was quite true that the hon. gentlemen who came from that part of the country might know better than other people what was for the honour of the Empire, and might know better what was for the good of the fishermen than they knew themselves, but he begged to differ from those hon. gentlemen in that view. He was not inclined to

think they were the best authority upon that point, with all their ability and experience, and he fully submitted the analytical skill of the hon. member who had last addressed the House, for he possessed great ability and was an intellectual gladiator, whose performances chained them all. When he followed him carefully through his long speech he had to wade with him from point to point as he proceeded, in order to discover some good ground why the people of this country should put themselves against this agreement, and he had found none. [Cheers.] An attempt had been made to show that the hon. gentleman opposite, who had acted upon the Commission at Washington, had pressed some independent views on the Commission—some distinct right of action apart from his colleagues from England; and it had been attempted to prove this by referring to discussions that had taken place previously with respect to the headland negotiations, which were begun by Mr. Campbell. Now the two cases were entirely different. In the one case the point to be determined was one relating to the interpretation of the Treaty of 1818, and there was no question about giving up the fisheries. It was thought desirable in that case that the matter should be disposed of by an agreement in the nature of an arbitration, or rather of a legal adjudication upon this point. When the proposal was made, however, to enlarge the reference so as to embrace the *Alabama* claims and other questions the fishery question was swallowed up and became altogether a subordinate matter of consideration between the two countries. A very different commission was then appointed. Its character was changed, and the nature of the agreement they were authorized to make was entirely different from that which could have been entered into by the Commission that was proposed to be appointed to settle the question of interpretation. The reasoning that applied in one case appeared, therefore, to him to be altogether irrelevant when applied in the other. (Hear, hear.) He (Mr. Macdougall) never believed that the Minister of Justice went to Washington to represent, in a separate and distinct character the people of the Dominion. He believed he said so at the time. The moment that that hon. gentleman accepted the appointment he became to all intents and purposes the mouthpiece of the Imperial advisers of Her Majesty, and bound to act upon their instructions, and having no right to assume the position of a separate and independent envoy. (Hear, hear.) He knew that in accepting the

appointment the hon. gentleman had placed himself in an embarrassing position, and that, no matter how he acted, he would be attacked by those who were politically opposed to him. Whether, under these circumstances, he ought to have accepted the office he (Mr. Macdougall) would not assume to determine; but this he would say, that when the hon. gentleman became a member of the Commission, the interests of Canada were well represented. Whatever might be the opinion of the House as to the Government and its policy, they must all say on both sides that, looking to the public career of the hon. gentleman, looking to the skill and ability with which he had conducted the affairs of the country in past times, looking to its intellectual capacity and commanding grasp of political subjects—if there was one man who had become qualified to speak in the name of the people of this Dominion—assuming he spoke his honest conviction—that hon. gentleman was the man. (Loud cheers.) He (Mr. Macdougall) was sure that, if they had confidence in the hon. gentleman's honesty, they recognized so far his intellectual power, his knowledge of constitutional history, and the affairs of this country, and recognized him as being pre-eminently qualified to represent, defend, and advocate the interests of the people of this country in any great negotiation of that kind. (Cheers.) Now, if that could be truly said of him as a public man, he (Mr. Macdougall) wanted to know whether, in the position he had occupied, he had not with firmness and yet with delicacy, by consultations and arguments with his colleagues, endeavoured to bring about the best arrangement for Canada, and one that had been acceptable to us? (Hear, hear.) He had no doubt whatever that that was the course which the hon. gentleman had pursued, and that those who, on the Opposition side of the House, arraigned him, in their heart of hearts had no doubt of it. (Cheers.) They did not believe that he had not laboured to obtain the most favourable arrangement possible; but it suited their purpose to find fault, to pick flaws in what he had done, to bring up speeches and despatches to use against the Government arguments, that the Government had put forward in the cause of Canada, and to adopt these arguments so as to now put the case forward—after its settlement—in the same way as it was put forward when it was under negotiation. For what reason had they done that? Was it to promote a better settlement? Was it to secure a treaty that would be

more favourable to this country? By no means. It was not for the purpose of advancing the welfare of the Dominion, but it was to gain a paltry, despicable, political advantage. (Loud cheers.) That was the clear object of the Opposition, and no man could truthfully say that it was not the object. Now he could fearlessly stand up in this House and declare that that was an unworthy and unpatriotic course to take. (Renewed cheers.) The Opposition had duties to perform as well as Ministers. They were under obligations and responsibilities which could not more be avoided than the responsibilities of the Government. This was well understood in England, where the Opposition, which was led by Mr. Disraeli, had a much better opportunity of injuring the Government in regard to this Treaty than the Opposition led in this House by the member for Lambton. But what course had the Opposition in England pursued when the Treaty was before them? They criticised it mildly and carefully; they considered it with reticence and bated breath, they made suggestions as to this course and the other; and, looking at the whole of the discussion, it was evident that they felt the responsibility of the great crisis that would come upon the country if they rejected it, and they refused to make use of the opportunity presented to them, by imperilling the interests of the empire for the sake of any mere party advantage. (Cheers.) He had heard a great deal about 'party' to-night—what the 'party' had said, and what the 'party' had agreed to. When he had heard this, he could not help looking at the hon. member for Chateaugay, who, he had reason to believe, not from private convictions but from what he had seen in the public press, favoured the adoption of this Treaty, and he wondered whether the hon. gentleman who had told them so much about his 'party,' had consulted with that hon. member, or with any other hon. gentleman belonging to the great liberal party of the Dominion, except such of them as were disaffected with the Treaty, in that little corner of Ontario in which they lived, and moved, and had their being. (Laughter and cheers.) He (Mr. Macdougall) had not seen or read anywhere that there had been a general consultation of the liberal party on the subject. But two or three of them, it seemed, had put their heads together in some back room, decided to their own satisfaction that there were reasons why the Treaty should not be adopted, and then went out through the country denouncing it as a bad treaty, endeavouring to array their votaries against it, and continuing to

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find fault from that day to this. (Laughter and cheers) And here they had a fitting conclusion of the scene. Here they had a resolution, moved not honestly in his judgment, or with a view to divide the House fairly and squarely against the Treaty, but to distract attention by a sort of side wind, a nondescript amendment that could be interpreted in different ways, that meant nothing when proposed here, and that was simply a paltry manoeuvre which might afterwards be turned to some account before the people of the country. He did not concur in such tactics as these. He was prepared in his place in Parliament openly and fearlessly to express his opinion, and maintain the position he had taken upon the question, with the sole title of authority as a representative of the people, for, at a very early moment after the publication of the Treaty, he had sat down deliberately to consider the question, putting his views in the formal shape of a letter which he had addressed to his constituents. He had done this because he felt that it was for them he should speak in this House, upon a question that so gravely affected their interests; and after some weeks, when they had time to reflect upon the subject, he went among them and publicly advocated, as strongly as it was in his power to do, the adoption of this Treaty without reference to the existence of the Government or party predilections, or exigencies. He had yet to learn that one individual who had ever given him his vote found fault with the course he had taken or the views he had expressed upon the subject. Standing here, therefore, he felt that he was speaking in the name of the whole body of the constituency he represented, and that he had the weight of their influence when he said he intended to vote for the measure which the Government had submitted to carry out the Treaty. (Loud cheers.) They had heard a good deal during the evening with respect to the Fenian claims, but he thought the majority of forty-three of the previous evening should have precluded that subject from further debate. The treatment of this Government by the Imperial Government, it was said, had been very different to the course they had pursued in dealing with other cases of a similar nature. Greece and Abyssinia being cited; but the cases were quite different. The same course could not be adopted in dealing with nations with armies in the field as in dealing with semi-barbarous tribes. What was the position? The Government of the United States had never admitted that they had been guilty of any breach of international law in consequence of the incursions of a

few of their people over our frontier. We were of opinion that they had not acted with that vigour to prevent the invasion of a neutral country that they ought to have done; but the Imperial Government through its Minister at Washington had on the last occasion expressed their thanks to the United States for the prompt manner in which they had exercised their authority to prevent the encroachments of the Fenians, and he did not think it was for Canada now to express an opinion on the subject. We had a long frontier opposite a country where the people had large liberty, where men are allowed to carry arms, and frequently use them, without being punished, and there would be a great difficulty in enforcing international law in respect to the Fenian raids. The Imperial Government were the proper authorities to raise the question, and if they had not done their duty it was for those who had the power to censure them, and he did not think the Canadian Parliament had such power. They could express their opinion on grave mistakes, but could not refuse to carry out the policy of the Empire. He thought it well that the House should understand the position the country held in a constitutional point of view, and quoted the 132nd clause of the Confederation Act of 1867. It was nowhere stated that the Government of Canada could enter into arrangements or make treaties with other countries, and if they had that right it was a concession on the part of the mother country. In the Treaty of Washington the Imperial Government had reserved to Canada the acceptance or rejection of the Treaty, and he thought there were a great many questions which ought to be considered before they rejected it. He believed it to be in the interests of all that it should be accepted. A great deal had been said as to the contradictory position of the hon. Minister of Justice in his speech, in that he had said that the Government of the United States were desirous that the Treaty should be accepted, whilst the fishermen and others interested were opposed to it. It could be seen that the United States looked to the difficulty of the past, and which might occur in the future arising out of the fisheries. Any politician desirous of promoting the interests of his country would be anxious to have all matters in dispute settled, and he was sure that it was with that desire that the two Governments wished to remove out of the way of their people the causes of difficulty. It could be quite easily understood that persons engaged in fishing along the coasts of the United States, not having any responsibility of

Government upon their shoulders, should oppose the Treaty and the competition of Canadian fishermen. He could only look upon the treaty as a desire of the two nations to do all possible in the interests of peace. It had been said that the difficulties had not been removed, because the Fenian claims had not been settled. He found laid down in the treaty three very important rules of International law, which the two countries had agreed to, not only to guide the settlement of questions in dispute at present, but to form a rule of action for the future. He read the rules, which are as follows:—"A neutral Government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace, and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted in whole or in part within such jurisdiction to warlike use." Secondly, "not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men." Thirdly, "to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties." It had been said that these rules referred solely to the maritime affairs, and did not refer to invasion by land. They had not only the municipal law, but they had there laid down in distinct words the great principle of the duty of a neutral to restrain its people from levying or carrying on warlike operations with a country with whom they are at peace; the principle on which those rules had been framed applied to invasions by land as well as by water. They had in the Treaty of Washington the duties of neutrals clearly and distinctly, for the first time put in proper terms. They had two of the leading nations of the world solemnly stating the duties of neutrals, and it was a great point gained for Canada, to have the United States Government thus formally committed to those obligations. Canada has a long frontier exposed to incursions by ruffians of every kind. Although he thought that England had taken a great and serious responsibility, it must be clear to the mind of every man acquainted with the facts, that England assented to the

arrangement because, in the first place, she had possessions in America; because she was responsible for the Government of her people in America; because her flag waved over a portion of this continent, the frontier of which is exposed. For those reasons, and for those reasons alone, the Government of England agreed to such an arrangement as had been made in the Treaty of Washington. If England had not had possessions in North America, would she have admitted that she was guilty of negligence in allowing the escape of the *Alabama*? She would have done nothing of the kind. No such agreement could have been wrung from any Government, Tory or Radical. Had it not been that she had American possessions; and it was for that reason he was disposed to say that the Imperial Government was responsible, and after they had given so much consideration to the interests of Canada it did not become any member of that Parliament to be so sensitive. It did not become political leaders to make objections for mere local, or party, or selfish purposes, or with the sole object of resisting the Government. He had been associated with them in the past. He had discussed and been a party to the establishment of many of those political questions which they now claimed as their peculiar possessions, before they were known. While the hon. gentleman who was at that time one of the leaders of that party was at college and studying his profession, he (Mr. Macdougall) was spending his time and what little money he had in fighting the battle of the Reform party. What statute book could show a single measure brought forward by the present leaders of that party? On what page of the statute book could they find a single record of what they had done? What had their master outside done, either while occupying a seat in that House, or in conducting his organ, the *Globe*? They might speak of him (Mr. Macdougall) with contempt. They might endeavor to underrate his humble efforts in the past; but he would meet them before the people without fear. He had met the whole caravan of them where they had two or three thousand honest yeomen hearing their expositions of what they had done and would do. He was an humble spectator, unacknowledged until attacked, when they thought he had left. He asked to be allowed to say a few words in reference to the matters under discussion; but they showed no disposition to allow him to do so, and there was a whispering consultation as to what should be done. He asked the chairman to put the motion: hands

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were held up, and in compliance with the call of the meeting he was allowed to speak. After he had explained his position, he spoke of the Treaty of Washington and asked if it was not expedient, on the part of those who had called the meeting, to give a hint as to the course they proposed to adopt. He spoke in general terms and gave his views very distinctly, and had a vote been taken, he felt sure a majority would have endorsed his views. The hon. gentlemen answered, but they did not touch the Treaty. They went back to the clergy reserves, and questions of thirty years old. He then referred to the result of the elections of last year, and the defeat of the Ontario Government when one tenth of the House was unrepresented. He did not think that gentlemen representing themselves to be such could properly claim to be the leaders of the Reform party. Since they had acceded to power, they had, in every action, reversed the very policy they had advocated and he instanced the policy on the railway question, and their great departure from principle in forming a Coalition—(cheers)—and he believed that the honest Reformers throughout the country had lost faith in them. The hon. member for West Durham had undertaken to speak as representing the Reform party of Ontario; but he (Mr. Macdougall) believed that he did not represent that party, but that he was merely the head of a faction. (Cheers.) He would not speak of the canal system, as he thought there was not a member who did not agree in the expediency of enlarging the canals to encourage the trade of the west. That policy had been stamped on this country and Government since he had been in Parliament. Some people objected that the Treaty of Washington would throw open the canals on the same terms to Americans as to our own people. He could not see that that would be any great surrender of honour and dignity. He was satisfied the English Government would look after that. Had not American vessels of war been admitted through the canals to the lakes? and he could not see what injury the country could sustain from that admission of American vessels in the time of peace; and if they could not protect their rivers and canals in the time of war, the Treaty would be useless. The desire of some hon. gentleman was to raise a captious opposition, to find fault, and to act against the interests of the Empire. He had no objection to sit down and consider the views which prevail with many English statesmen, that Canada had arrived at a period of manhood, and should

therefore, as a family arrangement, be reconstructed; but so long as the present constitution should remain in force, they should not attempt to assert an independence which they did not possess, and could not in the interests of the Empire exercise. The Imperial Government should be left in the hands of Imperial Ministers. (Loud cheers.)

Mr. RYMAL said that the gentleman who had just sat down had taken occasion to allude to a gentleman not in this House as swaying the destinies of the Reform party. For his part, he would say that he pinned his faith to no man's coat-tails, that he formed his own opinions, and gave expression to them when necessary. He could recollect the time when he (Mr. Macdougall) was one of the most subservient followers of the gentleman he had alluded to, and it was owing to that gentleman that he had accepted any prominent position as a member of the Reform party. He ridiculed the position of the member for South Lanark, who, he said, was ready to make another somersault, and as he looked over to the Treasury benches seemed to be saying "Oh whistle and I'll come to thee my lad."

Some conversation here arose on the part of the Opposition as to adjoining the debate; but, as the Government desired to continue, the question was proceeded with.

Mr. YOUNG rose with diffidence to address the House after the able speeches he had listened to, and he did so with some disadvantage, as he had not expected that, at so late an hour, the Government would have sought to force a vote. It was fortunate that, in discussing this question, there could be no doubt as to the position of the country with regard to the fisheries. The Premier had seen fit to quote statements from American writers throwing doubts on our rights to the fisheries; but he preferred to take his (Sir John's) statement of last session on the subject, to the effect that there could be no doubt whatever as to our right to the fisheries within the three mile limit. It was fortunate, also, that there could be no doubt as to the opinion of the House with regard to the fisheries and their disposal. On the debate which took place last year there was but one opinion, and that was, that they could not be given up except in consideration of some commercial advantages to the Dominion. The Premier had then stated that England would, under no circumstances, give up our acknowledged rights, and that the fishing ground within three miles of the coast was

just as much our territory as three miles of our land. In consequence of those statements the resolutions of the hon. member for Sherbrooke were withdrawn, and under these circumstances he thought the House had good ground for charging the leader of the Government with want of good faith in signing the Treaty and sacrificing the rights of Canada. The American policy ought to be considered in connection with the matter, and the whole aim of that policy had been to worry England until she should withdraw her flag from this continent. This had been evidenced in the war of 1812, in past years, and most clearly in the matter of the Treaty. They saw England giving up everything, while the United States refused to allow strong claims against her to be considered at all, while she demanded the use of the Canadian fisheries. The British Commissioners were not versed in American diplomacy; but the Minister of Justice had no such excuse, and ought to have withstood the demands of the United States. He never heard a speech at once so inconsistent and unreasonable as that of the hon. gentleman a few days ago, and that was because all his reasons were contradicted by the terms of the despatches he had addressed to the English Government. He did not think the whole blame of the Treaty should be thrown on the Imperial Government, for they took care that the parts effecting Canada should not go into effect until they were ratified by this Parliament, and therefore the responsibility of the adoption of the Treaty must rest with the Government and Parliament of Canada. The real question to consider was: was the Treaty fair and just to Canada? was she to give up the St. Lawrence, the fisheries, and the Fenian claims? He spoke of the great value of the fisheries, as shown in the reports before the House, maintaining them to be one of the great national resources of the country. In return for all the proposed cessions, they were to get free access to American markets, a certain money consideration, and the right to fish in American waters. The money consideration was of small account; the fishing in American waters was of no value, and the privilege of obtaining access to the American markets, he would show, would, under the Treaty, last for a short time. The whole thing was a shameful sacrifice of Canada's interests, and this was generally admitted, and the member for West Durham had fully proved it. He referred to the quantity of fish exported by Canada, showing that only a small portion went to the United States. He said agricultural

products had not suffered by being shut out from the United States, and so it was with the fisheries. A large trade had sprung up with the West Indies and also with European countries, and any action that would increase this trade would be just as good as trade with the United States. They had no guarantee that the duty to be taken off fish and oil would not be continued, because the Americans would be able to give their fishermen a bounty which would do away with all the advantages for which the fisheries were to be given away. It was a great mistake that this bounty should not have been prohibited in the Treaty. Nothing could be more objectionable than the cession of the joint sovereignty of the St. Lawrence, and the abandonment of the Fenian claims. On both points, as far as the United States was concerned, the cession was completed and without equivalent. As to the navigation of the rivers in Alaska, it was simply an insult, to make them an equivalent for the free navigation of the St. Lawrence. He had always been in favour of inducing American trade to our waters, but it should be a privilege, not a right, and the concession might lead them to interfere in our affairs in order to worry England into leaving Canada to take care of herself. The Minister of Justice should have seen that that right was not ceded until it had been submitted to the Canadian Parliament. As to the Fenian claims, the object was not money, but to obtain an assurance that the United States would do what was right in future; and if the Commissioners had properly upheld the justice of the claims they would not have been withstood. The question was now in a most unfortunate position, and would lead to fresh raids in future. There was almost moral cowardice in not pressing the claim. There was great feeling on the question throughout Ontario, because they believed the Treaty imperilled the country, and at all events would prevent any possibility of reciprocity for years to come. If the system of exclusion had been continued, much better commercial terms might have been obtained, and the people of Western Canada were therefore deeply interested in the matter. This was no reason why the Treaty should be ratified. He had seldom heard more paltry reasons than those urged by the Government in pressing the acceptance of the treaty. No danger would result from Canada standing up for her just rights, and the most certain way of rushing into war was giving up those rights and so provoking aggression. He thought the English guarantee the most disgraceful and humiliating part

Mr. Young.

of the affair, as far as Canada was concerned, in accepting a money consideration for wounded feelings and honour. No wonder the people felt annoyed and humiliated, and the result would greatly disgust the people of England. He was prepared to make any reasonable sacrifice for the continuance of English connection; but he did not think the people of England would be desirous to make such a sacrifice; but in any case the people of Canada ought to be the first consideration. Where would these sacrifices end? They would never end so far as the United States were concerned, and as long as Canada was on the map. Pass the Treaty, and the fisheries would be yielded up for ever, fresh in-roads would be invited, fresh demands encouraged, and all hope of reciprocity destroyed, and the ties with the Mother Country loosened.

Mr. HUNTINGDON assumed that the Government were in possession of information not before the House. It was a great national question, which should be discussed in the interests of the Empire. He thought it unnecessary that the meeting of Parliament should have been deferred at all, but if it was deferred, it should have been deferred until the Treaty became a fact. It seemed very doubtful whether the Treaty would succeed, and in Canada alone the question was being discussed as if the Treaty had been passed. He could not see any excuse, unless the Government thought it a pity to lose the guarantee, that seemed to be the only inducement. If it were true that the Treaty would not have effect, they were enacting what might in future be very embarrassing. He did not speak as to the merits of the matter, but in discussion there ought to be an earnest desire to act for the best, and it could not be advisable to proceed until it were known whether the Treaty would become a fact. But he could see no possible inducement but the bribe, and he knew well with what contempt England would look down on Canada for her action, which was like a Yankee asking \$1,000 for a horse for which he would be glad to accept \$50 if he could not get more. The matter was a simple farce, if the Treaty should not pass. If the Government still ignored this point, he hoped there would be an amendment to defer the legislation.

Mr. MILLS moved the adjournment of the debate.

Hon. Sir J. A. MACDONALD said it had been alleged that the Government was anxious to force a vote. There was no such desire; but it was obvious that, if

business was to be put through, the House must sit later for the rest of the session.

The debate was then adjourned to be the first order on Friday.

The House adjourned at midnight until three o'clock on Friday.

HOUSE OF COMMONS.

OTTAWA, Friday, May 10.

The SPEAKER took the chair at 3:15 p. m.

INSOLVENCY LAW.

Among the petitions presented was one by Mr. Harrison, from the Board of Trade of Toronto, against the repeal of the Insolvent Act of 1869, and praying, in the event of its repeal, for an Act against preferential assignment, and for the rateable distribution of a debtor's property.

BILLS INTRODUCED.

The following Bills were introduced and read a first time:—

Hon. Mr. H. CAMERON—To incorporate the Ontario and Niagara Forwarding and Shipping Company.

Mr. FOURNIER—To provide for the appointment of Returning Officers for the next general elections for the Dominion.

Mr. BAKER—To incorporate the Agricultural Insurance Company of Canada.

Mr. BARCHE—To incorporate the Sorel Board of Trade.

Mr. FORTIN—To incorporate the Canadian and European Telegraph Company.

TEA AND COFFEE DUTY.

Hon. Sir F. HINCKS moved that on Tuesday next the House resolve itself into Committee of the Whole to consider a resolution repealing the duties on tea and coffee, on and after the 1st of July next. In moving this resolution he said that since he had placed it on the paper he had seen that there was a doubt in the United States as to the effect of the law recently passed by Congress repealing the tea and coffee duties. This doubt had arisen from the fact that, under an old law of the United States, all goods and merchandise imported from countries east of the Cape of Good Hope were subject to less duty by ten per cent. than if they were imported from other countries. The effect of that law, if it still remained in force, would be that tea imported from Canada or England into the United States would be charged with a duty of ten per cent., while if imported direct from the place of growth, it would, under the re-

peeling Act, be admitted free. If that were the case, the importer in Canada would be placed at a disadvantage as compared with the American importer; for while the latter would be able to send his surplus stock at any time into Canada free of duty, the Canadian importer would be met with a duty of ten per cent. upon any shipment he might make to American ports. He had instituted enquiries which would enable him to announce on Tuesday next the exact effect of the law passed by Congress, when the Government would state whether they would place the merchants of this country on the same footing as the American merchants.

Hon. Mr. HOLTON said the Government was following the course of the American Legislature.

Hon. Mr. MACKENZIE—They are looking to Washington.

Hon. Sir F. HINCKS admitted that they had been influenced by American legislation, but it was the necessity of the case. Canadian tea importers carried on as large operations as the Americans, and in the fiscal arrangements of the Government it should be an object to place them on quite as favourable a footing.

Hon. Mr. HOLTON said his impression was that the American Act repealed the duties on tea and coffee purely and simply. Under the former policy of the United States before the war, before it became necessary for revenue purposes to impose a heavy duty on tea and coffee, it encouraged the long voyage, as it was called, that was the shipment direct from the place of growth to ports in the United States. This law applied to tea, which it was an object to import direct instead of by the usual way of England. But he hardly thought it applied to coffee, which was grown in the West Indies, Brazil, and other countries west of the Cape of Good Hope. He had not seen the Act as it had finally passed Congress, but he had seen the bill that went up from the House of Representatives to the Senate; and judging from that, it was his impression that it repealed the tea and coffee duties absolutely. What struck him as peculiar in the proposition of the hon. gentleman, and in the proposed modification of his measure, was the slavishness with which this Government was following American precedent in the matter of commercial legislation of all others. (Hear, hear) He thought we in Canada might learn wisdom from them in some respects; but least of all in matters of political economy. This measure of the repeal of the duties on tea and coffee in the United States was a stroke of tactics on the part of the pro-

tectionists to reconcile the populace by holding out to them the prospect of a free breakfast table, and thus preventing a reduction of duties on other imports, which would interfere with their monopoly. Although he did not wish to worm out the secrets of the Government, he would be curious to learn whether they proposed following to its logical consequences the steps they were now taking by proposing the imposition of high protective duties on the other articles. Public attention was now drawn on that question, and he confessed that, when he found his quondam free trade leader following so slavishly the precedents of American protectionists in this respect, he had grave misgivings as to his future intentions on that subject.

Hon. Sir F. HINCKS—I have got into bad company it appears (laughter.)

The motion was then adopted.

CAPITATION DUTY.

Hon. Mr. POPE moved the House into Committee of the Whole to consider the following Resolution:—"That it is expedient to amend the Immigration Act of 1869 (32 and 33 Vic. c. 10) by repealing the capitation duty of one dollar thereby imposed for every passenger or immigrant above the age of one year, and instead thereof to impose a duty of two dollars for each passenger or immigrant above the age of one year, arriving at their port of destination in Canada in any vessel not cleared under the sanction of the Imperial Commissioners of Emigration, not carrying a surgeon and on board of which proper measures for the preservation of the health of the passengers and crew have not been observed during the voyage."

The motion was carried, and the House went into Committee.

Hon. Mr. POPE, in proposing the Resolution for the adoption of the Committee, said that the object was two-fold: first, to encourage immigration by relieving immigrants entirely from the capitation tax. That tax had been remonstrated against by many, and was felt to be burdensome to those bringing immigrants to this country and to the immigrants themselves. The Government had been placed in a position which would require them to ask the House this session to refund to charitable societies in England money that had been advanced on this account. The second object of the resolution was to remove as far as possible the difficulty and expense that was experienced at Quarantine on account of overcrowded and ill-ventilated ships. The Americans avoided that difficulty by imposing a penalty of

Hon. Sir F. Hincks.

twenty dollars for every death that occurred on board an emigrant vessel during the passage. He proposed a better plan. It was to levy a tax of two dollars for every person carried on board a vessel that could not get a clearance from the medical superintendent at Quarantine.

Hon. Mr. MACKENZIE asked whether the law would be put into operation this season, and apply to vessels now on their way to Canada.

Hon. Mr. POPE replied that it would.

The motion was carried and the Committee rose and reported.

SAN JUAN BOUNDARY.

Hon. Sir A. T. GALT said that before the orders of the day were called he would would put a question—of which he had previously given notice—whether the Government had taken any and what steps to have the claims and interests of the Dominion specially represented in the reference to the Emperor of Germany of the San Juan boundary question?

Hon. Sir J. A. MACDONALD replied that Her Majesty's Government had communicated with the Canadian Government on the subject, and desired to get all the information that was in their possession, in order to make up a case to be presented to the arbitration. The Canadian Government had consequently communicated with the Provincial Government of British Columbia, and an elaborate statement had been prepared under the charge of the Lieut.-Governor (Mr. Trutch,) and the Attorney-General (Mr. McCreight,) from a British Columbian and Canadian point of view. The statement had been sent home to England in time to be incorporated into the case, and in order to prevent any delays in obtaining further information, the Government of British Columbia had been placed in direct communication with the Foreign Office. No special agent had been appointed on behalf of the Canadian Government to argue the subject before the arbitrator.

Hon. Sir A. T. GALT had observed that the American Government had sent counsel to Germany to take charge of American interests in the matter, and, considering the extreme importance of the question, perhaps the Government, if they found that this was the case, would consider it necessary to send counsel to represent Canada.

Hon. Sir J. A. MACDONALD said that if the United States were represented by counsel it would be the duty of the Imperial and not of the Canadian Government to see that the British view was represented in the same manner.

Hon. Sir A. T. GALT said that was exactly what he had apprehended—that there would be a divided duty and a divided responsibility. The Canadian Government would leave the matter to the care of the Imperial Government, and the latter in its turn would probably trust the Canadian Government, and between the two there was a danger that Canadian interests would not be properly represented.

Hon. Sir J. A. MACDONALD said the point was worthy of consideration.

Hon. Mr. MACKENZIE said it was also worthy of consideration by the hon. member for Sherbrooke and the House, that in another case where Canada had been specially represented the country had not benefitted much by it. (Ironical cries of "oh, oh!")

Hon. Sir J. A. MACDONALD—That is a very small shot. (Laughter.)

THE TREATY BILL.

The first order of the day being then called,

Mr. MILLS resumed the debate on the motion for the second reading of the bill to carry into effect the provisions of the Treaty of Washington. He said he felt a difficulty in discussing the question before the House, as it had been ably argued by members on his side, as well as on the Government side. The question was of so much importance that members who supported the Government would scarcely be satisfied by the mere record of their votes; and as leaders of a forlorn hope, it was of the utmost consequence that they should not discourage those on whose support they had relied. We should feel entirely satisfied that, before the treaty was ratified, we did not make a mistake, and that by one fell swoop we should not destroy the hopes and blast the prospects of this country. Holding up the Treaty in his hand, he said, here was the hole through which America would get possession of this country. There was another important question; when looking at the Treaty, he thought we had a substantial voice in the question, and that England conceded our right to self Government; but it did not. The interests of Canada were antagonistic to those of the Empire at large. It could not be for the interests of England that we should be humiliated by the Treaty before the whole world. We were told that we were wrapped up in swaddling clothes and held in leading strings. The Ministry spoke of Canada as if she were a minor, and that it never was intended we should exercise our independent judgment whether England recognized our right to ratify the Treaty or not. Why

did the Minister of Justice introduce the bill if they were not to criticise it? It was the business of the Minister of Justice to see that the Treaty was so framed as not to admit of doubt. If it was intended by the 21st article that the business of fishing should be conceded, it should have been stated; but this construction could not be sustained. Was it slandering the Minister of Justice to say in this instance that he had been derelict of his duty? The Minister of Justice deprecated discussion on the Treaty, but would it be possible to keep from the American people the obvious meaning of this article, and the rights it conferred on them? He would warn hon. gentlemen from the Maritime Provinces that the proper construction was put on this article before they consented to the ratification of the Treaty. We were told that the *Alabama* claims were conceded on our account; but he would like to know how that statement by the Minister of Justice could be reconciled with the statement that had been made by him, that England had not made any sacrifice. The impediment was the ground taken by Mr. Seward, that the English Government were premature in the recognition of the South as belligerents during the American war. It was a matter of necessity that England should recognize at an early day the state of affairs; but when the United States gave up their complaint against England for the recognition of the South the greatest difficulty was removed. England claimed that she had used due diligence with respect to the *Alabama* or her consorts. He (Mr. Mills) failed to see that England had made any concession, although sacrifices had been made which certainly point to a severance of the relations between Canada and the Mother Country. (Hear, hear.) We were told that the milennial period would arrive on the ratification of the treaty; but whoever would look at the difficulties since the Independence of the United States, between that country and England, would see in every instance that the British Government had always said that the settlement of that particular difficulty, whatever it was, would remove all obstacles to peace and quietness. When the Government sent Mr. Campbell home and said that Canada should be represented, they did nothing more than express the well understood wish of this country, and it was understood that Canada should have a substantial voice in the matter. He had not much confidence, judging by several previous treaties, in the ability of British statesmen; and the Oregon territory dispute would prevent him placing

Mr. Mills.

much reliance in the moderation and justice of American statesmen. (Hear, hear.) It was important to ask what did the gentlemen on the Treasury Benches mean when they asked to have a Commissioner appointed? Did they mean that he should be appointed to give Canada a substantial voice in the Treaty, or was he there as an Imperial Commissioner? He was there as a Canadian Commissioner, with a voice separate from other Commissioners, and representing Canada. The difficulty between Great Britain and America did not grow out of the *Alabama* case, but had existed years before. We might trace it to elementary education in the United States, where the people were educated from their youth up to a cordial dislike of Great Britain and her institutions. A great change for a better end, however, had taken place now; but much of the ill-feeling had been traceable to this. Another source of annoyance was, he always thought, the idea that America should hold all the North American continent. A third source was that growing out of the former misgovernment of Ireland. He believed that recent changes in the laws as well as the abolition of Church and State would go far towards obliterating ill-feeling against England. Looking at all these sources of ill-will, would it be fair to suppose that they could be all effaced by the signing of this treaty? Great Britain desired to withdraw from this continent, and the action of Canada favoured this impression. There had been on the part of the United States a disposition to keep the peace, founded doubtless on the impression of Great Britain's desire to withdraw from this continent. He did not believe the peace would be jeopardized by not signing this treaty. The Minister of Justice had spoken of the intrigues of the Russian minister, but a great change of feeling had taken place between Russia and America. Russia had been shut out from the west; she was now looking eastward, and is seeking at this moment to obtain Japanese Islands to join in the maritime supremacy in the Pacific. When the United States found Russia approaching her on the west by trying to get the trade of Japan and China, they found that in resisting the designs of Russia it was the interest of America to act in concert with Great Britain, to check Russian aggressions on the Asiatic coast. If we looked at the facts we could see reasons why the United States should wish for an early settlement of all difficulties. They were in fear of the Russian question. If the headland lines were only drawn across bays six miles wide, what

was the use of the words "harbours and bays" at all? for the purpose would then have been equally well served by the exclusion of vessels from within a certain distance from the coasts. He argued that when the Treaty of 1854 was cancelled that of 1818 remained in force, and that the Minister of Justice put forward for the Americans pretensions which they did not put forward for themselves. He had always been of opinion that the Treaty ought to have settled the question of the line of limitation, and that question should have been referred to arbitration like the San Juan question. He mentioned the Massachusetts, Delaware, and Chesapeake bays: they were over fifty miles wide, across which the Americans drew a line of limit, and yet Canadians had not the same privilege. It was utterly impossible for a Commission to decide on the relative value of the Canadian and American fisheries, unless it were settled what were the limits of exclusion. As to the navigation of the St. Lawrence, that matter had been sufficiently dealt with by the member for West Durham. Matters of treaty could never be held to be matters of mature right, and in all cases in Europe, in which the navigation of rivers had been granted, it had always been of a reciprocal basis, and if the Americans had a right to navigate the St. Lawrence, Canadians had a right to navigate Lake Michigan and all the other tributaries of the St. Lawrence. The Treaty had put the matter in this position, that while the Americans, if they chose to build their own canals, could navigate the St. Lawrence from Chicago to the sea, Canadians had no such power on American territory. While Canada had ceded the navigation of the St. Lawrence, she had failed to obtain the same right with respect to the Columbia River. There was not a doubt that Canada had a right to this, and if the High Commission had failed to deal with the matter, there was no reason that the House should do the same. The Commission had shamefully failed to obtain that privilege for Canada, and instead of confirming had limited her rights. He referred to the Treaty of St. Petersburg, which gave Canada a right to navigate all rivers tributary to her own, and maintained that the transfer of Alaska to the United States could not possibly affect Canada's rights with respect to that country previous to the transfer. The member for North Lanark had stated that Canada could have no voice under the British North America Act, in questions between England and the United States, but he (Mr. Mills)

could not admit this. As to the merits of the fishery articles, he maintained that the expense that would be incurred in preventing frauds of the revenue would be quite as much as had hitherto been experienced in the total exclusion of Americans from Canadian waters. He objected to the introduction by the member for North Lanark of Ontario matters in the Dominion Parliament. That member had claimed to have left his mark on the statute book. He was certainly leaving his mark on the journals; but he believed he was engraving his tombstone. He then referred to the remarks of the Premier as to the attacks that had been made upon him, and as to what he had termed "a power behind the throne." He maintained that these complaints were unfair, and referred to the course of both gentlemen, and said the Minister of Justice had never carried any great public measure which could not have been carried without him. It was very well to boast of having been long on the Treasury benches, but it was more difficult to boast of having passed any great measures. It was very easy to watch the course of public events, and, floating with the tide, to shape one's policy so as to remain long in office; but it was no evidence of great statesmanship.

It being six o'clock the House rose.

AFTER RECESS.

SECOND READINGS.

The following bills were read a second time:—

To incorporate the Bank of Hamilton.

To incorporate the Halifax Banking Company.

To incorporate the Exchange Bank of Canada.

To incorporate the Managers of the Ministers, Widows and Orphans' Fund of the Presbyterian Church of Canada.

To naturalize Anson Green Phelps Dodge.

THE TREATY BILL.

Hon. Sir A. T. GALT then resumed the debate on the Treaty bill. He said he rose with convictions of the very greatest gravity, not only of the situation in which the House was placed with reference to the question before it, but also with reference to his own individual responsibility as to the course he would feel it his duty to take, and the arguments with which he would support that course. He did not propose to enter into the general question as to the advantages or disadvantages of the Treaty, for that had been placed before the House with extreme

ability by hon. gentlemen on both sides, in a manner which had almost exhausted the subject. The position he preferred to take was not with reference to the policy which was involved in this question, but the necessity which that policy imposed upon himself, and those like him, to deal with the question in a certain manner. It might be proper that he should refer slightly to the manner in which Canada has become mixed up, if he might use the expression, with the Washington Treaty. It had undoubtedly arisen entirely from the course we had taken with reference to the fishery question. He did not propose to refer to the origin of that policy, following the repeal of the Reciprocity Treaty, further than to say that at that time, under considerations from communications that had been received from the Imperial Government, this country, as was well known, had seen fit to adopt the policy of licences instead of the policy of exclusion. That policy was unacceptable to the people of this country, but it was adopted with a view to postpone a question of very great difficulty between England and the United States, especially when the feeling in the latter country was exasperated against England on account of proceedings that had occurred during the war in the South. It was a cause of very great regret indeed that the Government had not carried out that policy of licenses with the same vigour they had evinced in carrying out the policy of exclusion. He believed that, by the American Government having become an acquiescing party to the licensing system, it would have been less dangerous to the peace of the two countries to have carried out that system vigorously, rather than to have asserted the extreme rights of the country by enforcing a policy of exclusion. He had ventured, at the time when the change took place, when exclusion was substituted for licenses, to offer a warning to the Government and the House that the course they were entering upon was one fraught with great danger. He had then expressed the opinion that it would certainly eventuate in the loss of the headland question, and he had also feared that it would involve us in serious discussions with the Imperial Government, if not with that of the United States. Those fears had to a certain extent proved well-founded, for the discussions with reference to the Treaty had shown that the insisting by Canada on her extreme right to the fisheries had caused those rights to be mixed up in the general discussion of Imperial affairs, in a manner that had not given satisfaction to the people of this country. Last year when it

was announced that a Commission was to sit at Washington to consider the relation of the two countries, and to settle the questions between them, and that the Premier of Canada was to be a member of that Commission, he (Sir Alexander) had ventured to offer certain resolutions to the House, affirming what he believed to be the rights and interests of Canada. In the remarks with which he had introduced those resolutions, he had felt it his duty to refer to the correspondence and the interview that had taken place between Mr. Campbell and Lord Kimberley, and he had stated that in his opinion, those documents did not furnish the House with sufficient assurances that the rights of Canada would be the first consideration in the negotiations about to take place. The leader of the Government thought that the passage of those resolutions would be a cause of embarrassment, fettering him in the discussion at Washington, and his view was also supported by hon. gentlemen on the other side of the House, so that in fact he gathered that it was the sense of the House that it would be improper to press those resolutions to a division. He thought that if those resolutions had passed, our position would not have altered for the worse, and that the expressions they contained had been fully justified by the result. No doubt could arise as to the exclusive right of Canada to the fisheries within the three mile limit, and he was sorry the leader of the Government the other night had referred to that matter as one in regard to which Americans could have had no doubt. (Hear, hear.) He thought it was not worth while for the hon. gentleman to have said a single word upon that point by way of admitting that there was a possibility of a doubt. (Hear.) He (Sir Alexander) did not propose to follow out the arguments as to the advantages or the disadvantages of the Treaty, which, he had said, had been ably argued on both sides of the House. It was hardly worth while that he should do so. He accepted the statement of the Minister of Justice that the terms of the Treaty had been unacceptable to him while he was at Washington. It was quite clear then that they had been unacceptable to him up to a very recent period, up to the 20th March last, when the Government had arrived at an understanding with the Imperial Government, and he thought that fact sufficiently explained why Parliament had not been called earlier together, and supplied a reason why the Minister of Justice had maintained silence on the question up to within the past week. It was quite clear that neither the Canadian Govern-

ment nor their representative at Washington had liked the conditions of the Treaty, nor thought they were such as would prove acceptable to the people of Canada, and that, up to the 20th January, a correspondence, of which the House had only one or two fragments, had undoubtedly passed between them and the Imperial Government. He did not think that his hon. friend at the head of the Government was warranted in speaking as strongly as he had done the other night about the advantage of the Treaty to Canada, considering and knowing as the House did that up to a very recent period the views of the Government had been entirely different. The question had suggested itself to his mind—how and what means had produced this change of mind? (Hear, hear.) What had occurred between the 20th of January, and the meeting of this House that had caused the hon. gentleman to change his views as to the advantages and disadvantages of the Treaty? This change had certainly not been owing to anything in the position England occupied in regard to European politics, because that position had not changed since the Treaty was signed; or, if changed at all, it had been for the better rather than the worse. Neither could it have been because of any danger to ourselves because, plainly, if there was danger, it existed as strongly on the 20th January as at any previous time since the Treaty. Nor had the change been caused by any argument addressed to the Canadian Government by Lord Kimberley in the despatch of the 20th June, in which the reasons were set forth why the Canadian Government should submit the Treaty for the approval of this House. Well, he was also ashamed to mention it, and he was glad to be able to put it in a negative form, that these declarations by the three members of the Government who had spoken on this subject, made it clear that the change had not been produced because of the guarantee that had been made, and he was glad it had been distinctly made because the language in the papers that had been brought down would lead a casual observer to believe that the two questions—indemnity for the Fenian outrages and acceptance of the Treaty—were the result of the guarantee. He would much prefer to take the declaration of the two leading members of the Government, the Minister of Justice and the Minister of Militia, for from what he knew of them and of their character as public men, he would be loath to believe that they would ever consent to sell the just rights of Canada for

any paltry money consideration. (Cheers.) He would desire to include all the members of the Government as being equally unwilling to enter into such a bargain, but he spoke more particularly of those two members because he had long been associated with them in the administration of the country and in Parliament, and he did not wish to believe of them that they would for a moment do anything that would bring a blush to the cheek of every true Canadian. (Hear, hear.) Well, what then had produced the change? His belief was that an explanation must be found by reference to concurrent events, and when he remembered that the difficulty which first appeared to throw the Treaty into doubt—the presentation of the American case to the Geneva Tribunal—and the feeling it evoked in England—occurred about the time the views of the Canadian Government underwent a change, the 20th January last, he did not doubt that the complication in regard to the consequential damages for the *Alabama* had a very great deal to do with it. He believed that England at that time felt a necessity for having a good understanding with the United States, and he could well understand that correspondence had taken place with Canada in that sense, which it would be prejudicial to the public interest to make known. He could understand, too, that that correspondence might have induced the Canadian Government to waive their views in regard to the Treaty, and to agree to bring it down for the consideration of the House. Upon that presumption he could understand the position of the Government, for he could not believe that the Minister of Justice, with his acute intellect and quick apprehension of the wishes of the country, would otherwise willingly have placed himself in the position of one who accepted a treaty which his Government had opposed as unjust to the people of this country. (Hear, hear.) He (Sir Alexander) would not hesitate to give utterance freely to his thoughts on such a grave question as this, however much those thoughts might run counter to the feelings of a majority of this House. He believed, and he believed firmly, that England had spoken to us more firmly upon this occasion than she had ever spoken before. He believed she had put her language into acts. The acts of the withdrawal of the troops, the encouragement of Confederation, the transfer of the north-west territories, and the union of British Columbia, all pointed to one conclusion only, and that conclusion found expression in the words she had used in reference to this Treaty. H.

could very well understand that it had been said to this Government, "You must adopt the Treaty or Canada must take the responsibility of her own political future herself." He could understand that language like that had been used, and if the Government had shrunk from making this public to the country, and had concealed it from the people, the time was not remote when they would be obliged to come to a settlement of the question. (Hear, hear.) The Government had yielded to this language and he did not wonder that they had yielded. In his view of the question he would have preferred to have accepted the alternative. He would greatly have preferred it, because he thought it would have been better for Canada to have assumed all these responsibilities at once rather than have our national strength weakened by concessions to the neighboring country. The ground on which he objected to this policy of concession was that under it we were giving away privileges which were necessary to our future national and independent existence; sacrifices of what were the sovereign rights of a country; and thereby depriving ourselves of what might afterwards be found essential to our condition as an independent and self-governing people. (Hear, hear.) In rejecting this view the Government had taken a course which ought to meet the support of his own friends on the Opposition side of the House for they were not prepared, any more than the Government to say that at any future time this country must act for herself. If the question were upon the plain merits of the Treaty, he would object to these clauses on the same ground that he had taken last year, because he considered that independence was better than annexation. He desired that, if the future of this country was not to continue the connection with Great Britain, it should at least be independence of the United States. (Hear, hear.) Now, annexation was clearly promoted by everything yielded to them in the rights of this country. It was promoted, if we yielded to them, by ceding territorial rights. (Hear, hear.) If we ceded the right to land upon our coasts for fishing purposes and to navigate our waters, we were yielding to them things which a weak country would never receive again from the hands of a strong one. (Hear, hear.) He was afraid that that would have been the result of the negotiations at Washington, but he thought he would be able to show before he sat down that the evil was not by any means irreparable at present. (Hear, hear.) We

could well understand how the Imperial Government, how Englishmen, should view with great anxiety the re-establishment of friendly relations with the United States. From the situation of England's possessions on this continent, it was perfectly clear that she would not merely run a risk, in case of a rupture with the United States, of her material interests being seriously endangered but she incurred the certainty almost of the grievous humiliation of seeing her possessions overrun and occupied by a hostile power. She had not therefore, made these concessions without a strong feeling of necessity. They had not been made because of any regard for Canadian interests in themselves, but from strong considerations of Imperial policy. Undoubtedly, the exposed position of her possessions had entered deeply into these considerations; but he denied that upon these alone had the Treaty been framed, because we in Canada, who had most to risk and most to lose by any outbreak between the two powers, had pressed strongly upon the English Government the necessity of not making those concessions to the United States. (Hear, hear.) He believed that we were the loser. He believed that the position we occupied towards the United States rendered us the principal source of weakness to England; and, therefore, he believed that he was acting the true part of a man who desired to be loyal in the course he took in endeavouring to relieve her of a cause of weakness and increase her strength. He claimed to be quite as proud of his nation as any gentleman in the House. He had a just pride in the recollections of the glorious page of her past history, and he did not desire to see that page defiled in any way. He did not desire to see that career of usefulness and example to other nations checked from any disaster to the Mother Country. He believed that the position of England was of the highest importance to the whole world. (Hear, hear.) He believed that if we remained what we were, a source of weakness—if it were true that our danger had obliged England to occupy a humiliating position—then he for one would say that it was unworthy of us Canadians to force the Mother Country into that position. [Hear, hear.] It was very well for hon. gentlemen to make speeches, calling down the plaudits of the House, boasting of the flag and loyalty; but he contended that loyalty was quite as strongly shown in sacrifice as it was in obtaining benefits. He believed that the people of this country were equal to the sacrifice, if it was a sacrifice; that they

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would rather make it than see the country they so much respected and revered humiliated or its position weakened by any demand on their part for protection. He might be wrong. He knew he spoke sentiments which hon. gentlemen would deride; they had done it before with reference to some of the suggestions he had offered; he expected it again, but the future would, he thought, prove that he was not very wrong as he had been proved to have been not very far wrong before, in reference to the circumstances that had led us to the point where we now were (Hear, hear.) He did not wish to detain the House. He had sufficiently indicated the position which he thought we were placed in to-day. He had sufficiently indicated the pressure which he thought had induced the Government to recommend the adoption of the Treaty, which they thought objectionable not long before. [Hear, hear.] He would address himself for a few moments to the question before the House, and to the mode in which we should deal with it. It was clear from what he had said that his view would be that concession was a thing to be avoided and not to be made; but before presenting his views he would refer to the motion and the amendment before the House. The motion was for the second reading of the bill, and the amendment of the member for West Durham had the effect of declaring that the second reading should not pass. Now, he was quite aware that, according to parliamentary rule, the passing of the motion of amendment did not defeat the bill; but at the same time he was equally aware that the passage of that amendment would bring on a Ministerial crisis, and virtually defeat the bill; and he was perfectly aware also that if that result were to follow, and the Government were defeated, he was certain that, from the views offered by the mover of the amendment, his course would be not to proceed with the bill himself; therefore he thought it was beyond doubt that the success of the motion would operate as a defeat of the bill. Then the grounds upon which the hon. member for West Durham placed his advocacy of his amendment were rather based upon what the Imperial Government should do than upon what we should do if the Treaty was objectionable. On Canadian grounds, then, it ought to be met by a square vote against it. It ought to be rejected. If, on the other hand, it was only intended to indicate to the Imperial Government what they ought to do, then we had no right to pass it. (Hear, hear.) Therefore the conclusion that he arrived

at was that he must support the Treaty. (Cheers.) He did so because it was the only course which was open to us in the present juncture. We could not reject the Treaty unless we were prepared to take a further step. There was no time for deliberation. Neither side of the House was prepared for the responsibility if they rejected the Treaty; and, therefore, he said no other course was left us but to do our best to perform our duties as members of the Empire. (Cheers.) The Treaty was unsatisfactory to him, but notwithstanding he felt that he would not be faithful in the performance of his duty if he were to attempt to thwart that which he believed to be essential to Imperial interests. So long as he was a subject of the Empire he would endeavour to do his duty to it and he firmly believed that it was in the interests of that Empire that peace should be preserved with the United States. He equally firmly believed that it would endanger that peace if the Treaty were rejected and we were to have the fishery question once more opened, and believing that, he would certainly give his night vote for the Treaty. (Cheers.) The reason by which he reconciled his vote for the Treaty now, with what he had already said as to the impolicy of ceding our rights, could be found in the very last clause of the papers brought down. It was because there was a specific engagement that England would give the notice to terminate the fishery articles of the Treaty at the end of ten years if Canada so desired. (Hear, hear.) That reconciled him to the vote he gave to night. That justified his own conscience. (Hear, hear.) He said we would be unworthy of the protection we had enjoyed, that had brought us to our present position, he might say, of national greatness, if we were, for any small consideration short of our own existence in the country, to withhold what England required of us in this respect. (Hear, hear, and cheers.) What did we do? We conceded more than what was now required of us, in 1854, for commercial advantages. These were considerations of great importance, he admitted, but still in one sense low considerations, and to-day we were asked to give the same thing, or less than the same thing and only for the same time. The fact that there was a time when the question dealt with in this Treaty would be within our control, that Great Britain should give notice to terminate it, satisfied him that it was our duty to pass the Treaty. He was convinced that the only thing which we could now control, which had passed irremediably beyond our reach

was the navigation of the St. Lawrence, and, much as he valued that, rather in the sense of maintaining our own exclusive right to it, much as he valued that, still, in an economical point of view it did not concede much to the United States. With that exception, everything that was proposed to be done would come again before us ten years hence. Before that time arrived the country would have greatly increased in population and strength; before then public opinion would have ripened far beyond what it now was; before then the expressions which he had ventured to make use of this night might be the general expressions of the country. If they were so, then, he said, it was still more our duty to express our acquiescence in the Treaty, however repugnant it might be to our pride. The wisest thing we could do was, to subject ourselves to the terms which England might offer, and to remain under her protection, because we would have proved unable to protect ourselves. (Loud cheers.)

Hon. Mr. HOWE desired to refer to the remarks of the member for West Durham, which it had been complained that no Minister replied to. The hon. member had read too much, and he could not help thinking of the wish "Oh that my enemy would write a book." The quotation from the minutes of council by that hon. member were fervent, loyal, and were exactly what ought to have been at the time, and under the circumstances. But, unfortunately, they failed to convince the Imperial Government. He could imagine the hon. member pleading some case before a jury. If he failed to obtain a verdict, what would he do? Why, he would make the best compromise he could in the interest of his client, and that was what the Government had done. Then the hon. member had complained that lives were not to be lost and property destroyed for a sum of money. What example, however, had the United States set in this matter? The *Alabama* and other cruisers had destroyed her property; lives were lost and blood shed, and no higher insult could be offered to a nation; and yet, in view of the horrors of war, they had agreed to take money for the whole. Then, again, the hon. gentleman had harrowed their feelings by describing some imaginary widow bereaved of her son; but supposing that widow to be real, the son could not be brought to life, and if she were in poverty, the utmost that could be done would be to make her life as comfortable as if her son had lived. Then again there was the statement, "how

tarnished was our honour." Well, suppose a man had a beautiful helpmate, and some morning he had found she had left him for another man; there were only two things to be done—shoot the man or get damages. Was it not very likely that, if the hon. member for West Durham met the injured man he would say,—"Shooting won't help the matter; bring an action and I will get you substantial damages." Then as to the Fenians. Did they not fancy they had been wronged; and did they not fancy that they were carrying on a lawful warfare? England had had great trouble with these men; lives had been taken by them; and even the Prince of Wales had been turned out of Dublin; and yet see with what leniency and forbearance England had treated them. If the English Parliament and press, instead of the calmness and moderation they had shown, had been actuated by the sanguinary spirit of the gentlemen opposite in the matter of the *Alabama* question, the two nations would have been involved in war. In the pamphlet he had published some time ago, he had termed the Americans an aggressive people, and the organ from which hon. gentlemen opposite took their tone at once denounced him in the foulest terms, and the hon. member for Lambton took him to task; and yet in a few days afterwards that hon. member characterized the American policy as singularly aggressive, and the hon. member for West Durham was equally alarming, comparing Canada to Naboth's vineyard, and saying that the Americans were so aggressive they would seize that vineyard. So that those gentlemen need not complain of him, for they had expressed themselves in stronger terms than he had ever used. Turning to the Treaty itself, he first desired to say that Canada and Canada's Government were in no way to blame for the abrogation of the Reciprocity Treaty. The Treaty was lost partly because of the *Alabama* and other cruisers. England was certainly wrong in not seizing those cruisers when they re-entered her ports. On the abrogation of the Treaty, England favoured the license system in connection with the fisheries. It was tried and failed. Then the Government protected the fisheries, and he never could understand the opposition of the Maritime Provinces to that protection. However, the water police took the field, and they were aided by British cruisers; but, was there not great danger in this? When this step was taken, up came the headland question, the question of the right to trade in our ports, and then there was General Butler rousing the American fishermen,

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and instigating the American Government to declare war. Then on the first intimation that reciprocity would be given anew, Mr. Rose was sent to Washington, but his mission failed. Then the Postmaster-General went to England to press our policy and views on the English Government, and his visit ultimately resulted in the High Commission. The structure of that Commission had been complained of, but the Canadian Government had no voice in that. The hon. Minister of Justice was asked to take a part in that Commission, and if he had shrunk from the responsibility, what would gentlemen opposite, what would the *Toronto Globe*, what would indignant Grits generally have said? Would there have been a word in the English language sufficiently opprobrious to apply to him? Those who now blamed him for what he had done would then have blamed him for what he had failed to do. The hon. gentleman and the Government, however, were not so timid, and he went. But how could he go as a Canadian Commissioner? Canada, although a Dominion, was still a colony, and, in addition, the United States would not have allowed these parties, two of which would be against her. Then, if the hon. gentleman had declined to go to Washington, the Imperial Government would have acted without him and would have proceeded with their Imperial policy. It was objected that the Minister of Justice ought to be responsible to the Canadian Parliament. Was he not so responsible? Was it not in the power of the House instead of receiving his speech with approbation, to have received it with averted heads, and to have driven him from office? In every fibre of his frame, and in every flash of his mind from the moment he returned, he felt that responsibility. Since that return, hon. gentlemen opposite had endeavoured to create suspicion. His hon. friend manfully fought one battle, and, looking at the papers, it would be seen that the Government fought another battle, and that while there was a chance of making a satisfactory arrangement, they seconded and aided the hon. gentleman. But they fought in vain. But the fisheries were reserved to the Canadian Parliament. As the negotiations went on, the particulars were telegraphed to England, and then the leader of the Imperial Government assumed the whole responsibility of the Treaty, and the hon. Minister of Justice might, of course, have resigned his position; but his responsibility in doing so would have been awful, involving the breaking up of the peaceful relations between the two countries. Suppose he had

resigned, Canada would have had both England and the United States against her. When he wrote his pamphlet, reciprocity had been denied, the troops were gone, and he saw our independent action would come to an end without the cordial support of England. Up to that moment the *London Times* had stated that England had ceased to be a Western power, and that when she sent a couple of companies of men to Manitoba that was the last time she would interfere. His pamphlet had changed all that. In the *Times* now they said—we are “just as zealous for Canada as we ever were;” and the *Standard* reproached the English Government with having given Canada grounds for the fears he (Mr. Howe) had lawfully expressed. He maintained that Sir John Macdonald had only acted properly in delaying all explanations until Parliament was assembled and all the papers could be brought down, and said that when England, in the interests of peace, consented to help Canada in the only legitimate way, on account of her just claims, the question largely changed; and the only wise thing was to fall in with the Imperial policy and establish peaceful relations with both England and the United States. The hon. gentlemen opposite claimed to have sustained the Government, so that a proper arrangement could be secured; but their support was not sincere. The Government had been taunted with having no policy, but he declared it had. He pointed out the Minister of Finance as most successful, and spoke of the satisfactory results of the efforts of the Minister of Militia, which would be evidenced if ever occasion should require. England even took example from the organization of the Canadian militia. Then again there were the Minister of Customs, and the Minister of Inland Revenue—how faithfully their duties had been administered. He spoke of the Minister of Marine as the most zealous and painstaking Minister possible, and that his efforts would be felt to the advantage of the country for years to come, and spoke of the naval schools being established by him. The Minister of Public Works could be seen labouring from morning till night, and the country throughout was feeling the result of his labours. He also spoke of the Secretary of State laying out the new country of the North-West. They and their party were united to a man, proud of the past and confident of the future.

Hon. Col. GRAY spoke of the observations of the Secretary of State for the Provinces, with regard to the Fenians, as the most unexpected possible. He deem-

ed it his duty to speak of this, and say that the expressions used could not be approved. He was astonished to hear the hon. gentleman defending the Fenians.

Hon. Mr. HOWE denied having defended the Fenians. He had merely said that they imagined they were in the right.

Hon. C. J. GRAY said, after that explanation he should not continue his remarks on that subject. As to the treaty, he thought it the most important question that had ever been before the House. In whatever capacity the Premier had acted the result was before the House, and could be accepted or rejected as the House pleased. Then referring to the use by the member for Durham of England's motto, he would ask what right had Canada lost? He must refer to a remark of the member for Southwell, as to the admission of fish and oil into the American market free. The fish producing oil could not be found in the waters within the limits of exclusion. It had been said that the action of the House last session on the tariff could have no effect on the Americans, for the matter was settled before the House dealt with it. He referred to the dates of the votes, and maintained that was not the case, and that the Minister of Justice was right in what he had said as to the result of the action of the House. He thought the House should have some intimation from the Premier of what the effect would be on the American legislation. He would now take the Treaty, point by point, speaking first of those that had not been objected to. First, there was the franking system of goods, which was to extend throughout the whole of both countries. The whole of the coasting trade of the lakes would be secured to Ontario on account of the advantages she would have over the Americans by cheaper labor and and cheaper construction. The great productions of the far west would pass down the St. Lawrence, and the Canadian canals, an object which Canada had long desired to attain. He referred to that part of the Treaty by which Americans were allowed equal rights with British subjects to the use of the St. Clair Flats Canal, although it had been asserted that the canal was built entirely in the Dominion. If such assertion was correct the Americans should not have been allowed to build the canal at their own expense without having been informed of that fact, and he considered that they had an equitable right to use it on equal terms with Canada. The rules as to the duties of neutrals were of the utmost importance to Canada, as the third maritime power in

the world. Without them the commerce of this country would be ruined in case of England being at war with any foreign power. He could not estimate the benefit Canada would derive by means of the peaceful relations which the Treaty of Washington would establish between the two countries. It must be plain to every man of intelligence that twelve or fourteen years of peace would do more to place Canada in a position to maintain her rights than anything else that could possibly be devised. The facts before them must convince them that they parted with nothing, and that the conclusion necessary for the ratification of the Treaty would be to the advantage of the country at large. If Canada were a separate, independent country, unconnected with England in any way, and maintaining her own position, he doubted if any compensation would be adequate for the cession of the fisheries. They must expect to make some sacrifices for the interests of the Empire, and benefit of the connection. The fisheries were invaluable, but rendered doubly so by the market which the Treaty gained. The admission of our territorial rights and compensation for the difference in value between the American and Canadian fisheries should be remembered. He had heard no objection to the Treaty from the Maritime Provinces, on the contrary he believed they approved of it. In order to make it more clearly reciprocal he thought Canada should be on equal terms with the United States, and, although it was against British policy to give bounties, the Canadian Parliament would have the power to adopt that course if it should be found that the United States persisted in doing so. It had been urged that the Fenian claims constituted no part of the Treaty, and therefore should not be considered in the present debate; but he thought they should look at the question as it now stands, and not as it stood on the 20th January last, or at any other time. The British Government might have thought they were not in a position to press their demand, and offered Canada compensation. He had observed that the cry of those in the United States as well as in Canada who were opposed to the Treaty was "humiliation." He thought that the term was more indicative of the opposition of party than the opposition of principle. All knew that such was the case in the United States, and although gentlemen in opposition in the Canadian Parliament said they had risen above the question of party, it was singular that the same language should be used in both countries. He was of the opinion that

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any cession in regard to the navigation of the St. Lawrence would be more in sound than in substance. The United States must take the advantage of the Canadian canals to get to the seaboard, and while they could do so they would not make canals on their own side, and in case of war the whole would be in the possession of Canada. He agreed with the hon. member for Sherbrooke that they must be prepared to make some sacrifice in order to maintain the connection with Great Britain; but had they made any sacrifice? If there was any complaint it was from Ontario and not from the Maritime Provinces, which were most interested. What they wanted was the coasting trade of the United States and the registration of vessels.

Mr. MILLS said that the hon. gentleman had referred to the remarks of the member for Sherbrooke, who took the position that the Government of Great Britain, in giving us the liberty to exercise our judgment as regards the fishery clauses, referred also to the question of connection or separation, and said that those who voted for rejecting the fishery clauses assumed the responsibility of declaring Canada's independence; and he thought that Government had endorsed that position.

Hon. Sir JOHN MACDONALD asked how the Government had done so.

Mr. MILLS—By Cheers.

Hon. Sir JOHN MACDONALD emphatically denied that any cheers had issued from the Government seats.

Hon. Col. GRAY said he could see nothing in the action of the British Government by word or deed to show that they had any desire to sever the connection; on the contrary they had promised to defend Canada to the full strength and force of the Empire. It was the highest compliment to Canada to have inserted in an Imperial Treaty a stipulation that part of it should be left entirely to the action of the Canadian Parliament.

Mr. BLAKE—Was it a substance or a form?

Hon. Col. GRAY replied that it was a substance and no form and it was within the power of the Canadian Parliament to reject it if they should be pleased so to do. He went on to say he had listened to the arguments of hon. gentlemen opposite, but had found in them no sound objections to the Treaty which should cause the House to reject it, and in conclusion he urged hon. members who desired to do real service on behalf of England, to do that which she now thought necessary for the peace and welfare of the Empire.

Mr. BODWELL asked whether it was

the intention of the Government to go on with the debate any further to-night.

Hon. Sir JOHN MACDONALD said that as a number of gentlemen on both sides of the House desired to speak on the subject it would perhaps be better to adjourn the debate and go on with it on Monday, taking the vote on Tuesday. He considered the motion of the hon. member for West Durham a direct censure on both the Government of Canada and the Imperial Government, and they could not go on with any other business until it was disposed of. He would therefore suggest that they should proceed on Monday, and take the vote on Tuesday.

Hon. Mr. MACKENZIE said that the hon. gentleman was not right in assuming this motion to be a motion of want of confidence. The House had been invited to pronounce an opinion on the matter, and the hon. member for West Durham had simply in his motion said what he believed to be the opinion of the people of the country. The proposition therefore to resume the debate on Monday on that ground was not sound. He would suggest that if the debate was continued on Monday the Government should give a portion of next day for ordinary business.

Hon. Sir J. A. MACDONALD said there would be no objection to giving Friday for that purpose.

Mr. BODWELL then rose to move the adjournment of the debate, when

Mr. BOWELL asked the indulgence of the House for a few minutes. He referred to the language used by the hon. member for Sherbrooke as being of a nature likely to injure the country if allowed to go uncontradicted. That hon. gentleman had stated, in most emphatic language, that England had told the Government that they should accept the Treaty or the alternative, the responsibility of self-government. Immediately afterward the hon. gentleman had added that he was convinced that the truth had been kept from the people of this country. Coupling that with the language of the hon. member for Lanark, in a speech he had made at Hamilton, in which he distinctly stated that in conversation with prominent gentlemen in England they had told him that Canada must prepare for ultimate separation, he could not resist the conclusion that there was something behind the scenes which we had not been made aware of. He (Mr. Bowell) was prepared to vote against the Treaty on its merits, and would like to do so, confident as to the future, because he believed there was something more than a shadow in the right, which had been reserved to Canada, of rejecting or ac-

cepting it. If, however, the Imperial Government had taken the position indicated by the hon. member for Sherbrooke, he (Mr. Bowell) would be reluctant to accept the responsibility of voting against it, and he thought the Government should make some declaration which should go to the country, on a point so important. As for the amendment, it had been dexterously drawn in order to have a fling at the Government; but, as that was its only object, and not the defeat of the Treaty, he would vote against it; he desired a direct vote upon the Treaty, and he would take care that an opportunity for such a vote should be given.

Hon. Sir JOHN MACDONALD, in answer to the question of the hon. gentleman, stated at once that Her Majesty's Government had held out no threat, (hear, hear,) had given no intimation that any consequences of the kind, either of severance of the connection between England and Canada or of coolness in their relations, would follow our rejection of the Treaty. Her Majesty had taken occasion in her speech from the throne to say that the power was left to Canada, and her Prime Minister and principal adviser had again stated the same thing in his place in Parliament, that the free and unrestricted right was reserved to the people of Canada to deal with the clauses of the Treaty respecting the fishery rights, by way of ratification or rejection as they pleased. In no respect and in no communication public or private, confidential or otherwise, had there been any intimation that England desired to influence us in any way, except in the fair arguments that had been used in the official despatches. That was the simple and sole communication the Government had to make to the House, as to the desire of Her Majesty's Government on that particular. He thought it necessary to state this, so that no hon. member might be influenced to vote either for or against the ratification by any supposed views of England; but that he should have full liberty to vote as he thought best for the interests of Canada and the Empire. He objected to the Government being held responsible for the remarks or speeches of any hon. member of the House, except a member of the Government; and certainly the position and the relations of the hon. member for Sherbrooke with the Government, were not such as would give any hon. member the right to suppose that he had spoken by the authority or with the sanction of the Government in any way whatever. He (Sir John) had stated in his speech that the House had entire liberty to vote as it pleased, and that statement

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had not been withdrawn or modified by any expression from himself or his colleagues. The hon. member for Sherbrooke had said that the Government had taken a certain course against the Treaty, and then, arguing from the change that had occurred, he had adduced an inference that there must have been communications of that kind from the Imperial Government, but it was merely imaginary, having no foundation or basis on fact. (Hear, hear.) He (Sir John) denied that either he or his colleagues had cheered the declaration of the hon. member for Sherbrooke, whose great talents they all admired, and who, although not with them was still a personal friend, when he had spoken well about maintaining the prestige of England; and he, (Sir John) had cheered him lustily when the hon. member said he would vote for the Treaty. There was no sort of cheer from those benches when he expressed the sentiment that we should be severed in any way from England.

The debate was then dropped, and the House adjourned at 11.40.

HOUSE OF COMMONS.

OTTAWA, May 13, 1872.

The Speaker took the chair at 3.20.

SMOKING.

Hon. Sir GEO. E. CARTIER complained that somebody had been smoking within the precincts of the House. He had no objection to the habit, although he did not indulge in it; but there was a room devoted to the purpose, and hon. members who wished to smoke should go there. He hoped that Mr. Speaker would give his attention to the matter.

Mr. THOMPSON—refer to the smoking committee. (Laughter.)

TORONTO SAVINGS BANK.

Mr. HARRISON introduced an Act respecting the Toronto Savings Bank. Read a first time.

DOUBLE RETURNS

Hon. H. CAMERON said the other member who had been returned for the District of Marquette, Province of Manitoba, (Mr. McKay,) was present in the House, and he therefore moved that the standing orders with regard to double returns be read.

The motion was carried, and the rule being read by the Clerk, Mr. McKay retired.

THE TREATY.

Hon. Mr. MACKENZIE asked the Government if they had any intelligence to communicate to the House with regard to the negotiations respecting the Treaty of Washington. They all knew that discussions had taken place with regard to the Treaty, and that these discussions had disturbed the course of the negotiations, and within the last few hours they had learned that an entirely different arrangement had been proposed to the terms provided in the Treaty. It had occurred to him, therefore, that the Government might be disposed to make some statement to the House concerning these renewed negotiations, and the changed aspect in which the House and country stood in consequence of those negotiations.

Hon. Sir J. A. MACDONALD said the Government had no communication as having been received from any official source whatever. He had received a telegram from a private friend saying there was a good prospect of an arrangement, and that explanations would be made in the House of Commons to-day, and the only other information he had received was contained in the ordinary midday despatch to the newspapers, an advance copy of which he had received, and which he would read to the House.

He then read despatches from London and New York of to day's date respecting the latest phase of the negotiations, (these despatches being the same as appeared in the Morning Papers of that day.)

The first order of the day being called for the second reading of the Bill to carry out the Treaty of Washington,

Mr. BODWELL resumed the debate. He attacked the Secretary of State for the provinces (Mr. Howe) for having discussed this question in a profane and vulgar manner. He (Mr. Howe) in alluding to the Fenian claims, had taken the ground that a full recompense for our outraged feelings, as well as for the damages sustained, could be made with money, and to sustain a position he had said that the United States were willing to accept money payment for their outraged feelings in connection with the depredations of the *Seminole*. He (Mr. Bodwell) contended that this was not fairly stating the case, as the United States had, in the first instance, required an expression of regret or an apology from Great Britain; and he ventured to say that, if such regret had not been expressed on the part of Great Britain, no treaty would have been made. The leader of the Government had said that only those who were disloyal would

oppose the Treaty; but he would find that those who were in favour of annexation to a man would support the Treaty, as they believed that its adoption would be another step in the direction of annexation. He (Mr. Bodwell) also attacked the member for North Lanark for referring to the local politics of Ontario, he (Mr. Macdougall) had said, as if for the purpose of ingratiating himself with the hon. gentlemen opposite, that he had advocated the Treaty in a speech in Western Canada last year; but he (Mr. Bodwell) believed that he had not discussed the question at all. The Government had got rid of the hon. gentleman, and, when found that his old friends did not want him, he was trying to make friends with them again. He (Mr. Bodwell) disagreed with the arguments used in favour of the treaty. It had been said that the Minister of Justice was an Imperial Commissioner, and not a Canadian Commissioner, but he thought the correspondence would show that he was appointed to represent Canada, and his own speech of last session, to which he (Mr. Bodwell) referred, led to this conclusion. He felt satisfied that the House thought the hon. gentleman was acting for Canada, or they would not have conceded the withdrawal of the resolutions of the hon. member for Sherbrooke. The hon. gentleman had said that no territorial rights would be sacrificed without a submission to the people. It had been shown that we had interests and rights to navigate the St. Lawrence, and which were peculiarly our own, yet these rights had been given away without our consent. As to the fisheries, we had the option of ratifying or not as we pleased, but we were told that if they were not ratified war would follow, and we should be considered disloyal. In accepting a money payment for the Fenian claims the Government had accepted a bribe for the passing of the Treaty. He desired more liberal and commercial relations with the United States. The House had been told that the fisheries and the navigation of the St. Lawrence were levers to produce reciprocity; but we had given up all these without any adequate returns. Nothing in fact had been gained except the navigation of some out of the way rivers in Alaska. He objected that we could not act in this matter without being threatened with war and separation from the Mother Country, and deprecated the expressions of hon. gentlemen to that effect. The Treaty was a step in the direction of annexation, and as such highly unacceptable to the people of this country. He urged this point at some further length, and concluded by moving

the following amendment—that all after the word “That” be omitted, and the following inserted:—“Having regard to the existing differences between the United States and Great Britain, concerning the proceedings necessary to give effect to the Treaty of Washington, it is inexpedient to proceed further at this time with the said bill.”

Hon. Sir J. A. MACDONALD said the hon. gentleman who moved this resolution had of course a right to do so; and, as he was a member of the Opposition so ably led in the House by the hon. members for Lambton and West Durham, it was not to be supposed and believed that he was taking a course opposed to the wishes of those hon. gentlemen. (Hear, hear.) It was rather to be supposed and believed that this amendment was moved with their concurrence and sanction. (Hear, hear.) If that was so, then the Government must conclude that the Opposition had taken wit in their anger, (cheers) and that, although the hon. member for West Durham had proposed a vote of want of confidence yesterday he was afraid of it to-day, and therefore got the hon. member for South Oxford to move this resolution. (Cheers.) Now the question became an interesting one, was the resolution which had been moved by the member for West Durham to be pressed or not? If it was to be pressed, then, as a matter of fairness to the Government a distinct vote of the House ought to be taken upon it; such an idea as an hon. gentleman moving a vote of want of confidence, and then getting another on the same side of the House to move an amendment, had never been heard of in parliamentary proceedings. It did not show a spirit of fair play. It was simply juggling, and ought not to be done or tolerated by the House. (Cheers.) He (Sir John) could understand if an hon. member opposed to the motion of the hon. member for West Durham did such a thing as this, but he could not understand it otherwise, except upon the presumption that the Opposition were now afraid of the motion of the hon. member for West Durham, and were trying to get rid of it in this way. (Hear, hear.) He (Sir John) thought that in fairness to the House and the Government, they ought to be told whether the hon. member for West Durham would press his amendment or support this motion in amendment to his own; and also whether the hon. member for Lambton would support a motion which was in effect a supercession of the resolution offered by his colleague, the hon. member for West Durham. If that was the case, if they did support this amendment,

it would show that they were afraid of their own motion, and that they were committing something which it would not perhaps be Parliamentary to characterize in the language it deserved. (Cheers.) It might be, however, that the hon. member for South Oxford had taken the bit in his teeth, that he did not care what he moved, and that he had made up his mind to oppose the Treaty on his own account. It might be, too, that he thought the motion of the hon. member for West Durham did not meet the case, and that it was in his power to offer a better one. (Hear, hear, and laughter.) Whatever was the cause, the House ought, in all fairness, to have an explanation of a proceeding which was unparliamentary, extraordinary and very funny. (Cheers.)

Hon. Mr. MACKENZIE said the hon. gentleman might set his mind at rest, for the amendment of the hon. member for West Durham would be pressed; it would be voted upon; and every hon. member would have an opportunity of expressing his opinion upon it by voting. (Hear, hear.) It was not, however, unparliamentary, as the hon. gentleman had said, for an amendment to be moved to a motion by an hon. member on the same side of the House, and the hon. gentleman could call to mind no doubt when the same thing had been done on his side of the House. Since the amendment of the hon. member for West Durham had been moved, the House had learned from the hon. gentleman himself that circumstances had arisen which did not exist at the time when that amendment had been proposed, and the hon. gentleman need not try to hold a whip over the heads of his followers in order to deter by threat those of them who were disposed to support that amendment. (Hear, hear.) He (Mr. Mackenzie) did not look upon that amendment to the motion for the second reading of the bill as simply and purely a motion of want of confidence. To be sure hon. gentlemen on his side of the House had no confidence, and did not pretend to have any in the Government, but in proposing his amendment, the hon. member for West Durham had no wish to express want of confidence. The Opposition only desired to express an opinion upon a question which was above all the interests of party, because it deeply affected the future relations and condition of this country as a dependency of Great Britain. (Hear, hear.) It was in that sense that the amendment had been moved, and not as the hon. gentleman had said, to express want of confidence in his Government. Although it had that effect, it would be

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none the less acceptable to him (Mr. Mackenzie) on that account.

Sir JOHN MACDONALD—The hon. gentleman had said that the motion of the hon. member for West Durham was not purely and simply a vote of want of confidence. The motion did not say that in so many words, but it was a vote of censure, and a vote of censure, as everybody knew, was the same as a vote of want of confidence. The amendment was in fact in the strongest sense a vote of want of confidence; and as such it ought to be pressed. The hon. gentleman had said that it was to be pressed and voted upon by the House. Well, how did he know that? (Hear, hear.) How could he tell it was to be voted upon, unless he and his supporters had made up their minds to vote against the amendment of the hon. member for South Oxford? He could not know otherwise but that the latter amendment would prevail, and then how could there be a vote upon the amendment of the hon. member for West Durham. (Cheers.) The hon. gentleman had said that, since that amendment, new circumstances had arisen, and that the motion of the hon. member for South Oxford was intended to meet the change that had occurred. Now he (Sir John) would ask the hon. member for South Oxford if, at the time he moved the adjournment of the debate on Friday last, he did not have his amendment all ready prepared? (Cheers.) Was it not then written and ready to be proposed, although the hon. member for Lambton said it was drawn with a view to meet the change that had since occurred in the circumstances connected with the Treaty? (Cheers.)

Hon. Mr. MACKENZIE said the hon. gentleman had no right to misconstrue what he (Mr. Mackenzie) had stated. He had said that, since the amendment of the hon. member for West Durham had been moved, circumstances had changed. He did not say that this motion was to meet the change, although he was well aware that it had occurred, for he had the information in his desk, and it did not require the hon. gentleman to read the despatches in order to make him aware of it.

Hon. Sir JOHN MACDONALD—Why did you ask for information then? [Hear, hear.]

Hon. Mr. MACKENZIE said he had asked because it was possible the Government might have received information confirmatory of what he had known before; [oh! oh!] so he [Mr. Mackenzie] was not caught yet. [Laughter.]

Hon. Sir FRANCIS HINCKS said it was not without some reluctance that he, as a member for the Province of Ontario, rose to continue the debate, because he really thought that, so far, the members from that Province had monopolized the discussion; nor had he risen because he concurred with a remark of the hon. gentleman who had preceded him, that it was the duty of every hon. member to speak upon this subject. He was desirous, however, of placing before the House and the country the views he entertained, and which he believed the Government entertained, upon this important question. There were three points to which he would address himself, these being—first, as to whom the parties were who were responsible for this Treaty; in the second place, he proposed to discuss the merits of the treaty itself; and finally, he proposed to consider what was the duty of the House in regard to it, whether it should determine that the treaty had merits or demerits. With regard to the first point, the responsibility of the treaty, he contended that, throughout all the discussions in the Imperial Parliament, there had been no question whatsoever. It was a thing quite unheard of, to make two distinct parties responsible for the same act, which could only have been performed by one of them. It was perfectly unheard of in all diplomatic relations, that parties who derived their power from, and were responsible to, a Colonial Legislature, should be placed in a position to dictate or exercise any control over a Treaty negotiated by Commissioners acting under instructions from Her Majesty's Secretary of State. Upon this point he would refer very briefly to the opinions of two distinguished noblemen who had taken part in an important debate in the House of Lords upon this Treaty; the first was the Earl of Derby, who had said:—

“I now pass to the larger question of the Treaty itself, and I wish to say that I look on it as the Treaty of the Government, and of the Government exclusively. I join in all that has been said in praise of the gentlemen who undertook, at the request of the noble Earl and the Cabinet, that arduous public duty; but, under all the circumstances, bound as they were by their instructions, I pass over the parties who were engaged in negotiating the Treaty, and fix the responsibility exclusively on those who advised them.”

Again, Lord Cairns, formerly Lord High Chancellor of England:—

“In the observation which I make upon this document, I would speak of the

Treaty as one having been entered into by the Government.

This is a Treaty which, in form, was negotiated through the medium of Commissioners. So far as the British Commissioners were concerned, we have the clearest evidence, from these protocols, that every clause of that Treaty was communicated to the Government at home, and by them assented to. [Hear, hear.] It is, therefore, a Treaty upon which the Government did not merely give a final approval, but for the daily composition of which they were virtually responsible. Now, was the House to disregard these statements, and hold the first Minister of Canada responsible in the absence of all arguments to support such a pretension? for there really had been no argument; and the doctrines which had been laid down by the hon. member for West Durham would have been laughed to scorn, if they had been set forth in the Imperial Parliament. [Hear, hear.] The speech of the hon. gentleman was the ingenious argument of a lawyer to bolster up a bad cause. He had attempted to found some sort of argument upon a minute of Council, in which it was suggested that a Commission should be appointed, composed of one Commissioner from England, one from the United States, and one from Canada. That was a proposition that had certainly come from Canada; but he [Sir Francis] hesitated not to say that that Commission therein suggested was of a totally different character from the Joint High Commission which sat at Washington. It had never been contemplated that this Commission should have such extensive powers as the Washington Commission. The idea of a Mixed Commission originated in 1866 with Mr. Adams, who was then Minister from the United States, in England. In that proposition, which had been adhered to throughout from beginning to end, it was never contemplated to give the Commission any power except to make suggestions for the approval of the Governments of England and the United States. In point of fact the main object of the Commission was to try and define the headlands by laying the line down upon the charts. The Commissioners were not to negotiate a new treaty, they were to interpret the then existing treaty—the treaty of 1866. and they were to endeavour to lay down the limits beyond which the American fishermen might not go. After performing this duty they were to submit their recommendations to the respective Governments of Great Britain and the United States. The latter part of the minute of Council,

which he questioned very much whether the hon. member for West Durham had read, showed what the idea of those who proposed the Commission was. It showed clearly that, in case of disputes, there was some third party, some impartial arbiter, to whom the question was to be referred for discussion. It was, therefore, quite clear that the Commission then proposed was of a totally different character from that which sat at Washington, [Hear, hear.] On a previous occasion he had stated that the First Minister could not, as a man of honour, have acted on the Commission entertaining the views which hon. gentlemen opposite entertained. It would then have been his duty to have told the Secretary of State that he intended to act on his responsibility, and that if he happened to differ from the views of the English Commissioners he should resign. If he had made such a stipulation, England would never have appointed him. But even assuming that England might have assented to his occupying such a position, it would have been her duty to have advised the United States Government on the subject; and if such had been done the United States Government would at once have broken off the negotiations. The way to look at the question was to consider what the member for West Durham would have done in the circumstances. Would he have taken a place in the Commission deceiving the Government which had done him the honour to appoint him, taking a part in the negotiations, and then, at the last moment, declaring that he would not sign the Treaty? The hon. member had well stated that there was one case in which the First Minister would have been justified in refusing to agree to the Treaty, namely, if the articles relating to Canada had not been left to the discussion of the Parliament. As to the navigation of the St. Lawrence he did not intend to speak at length on that point, as one of his colleagues intended to address himself to that subject; but he must say that the arguments of the Opposition on this question were perfectly futile. No member could say that it was any injury to Canada to cede the navigation up to Montreal. Was the river not open to the flags of the whole world? It was said, constantly, that in the negotiations everything was conceded to the United States. The same charge had been made in the House of Lords of England; but the Opposition there, as could be seen from the speeches of Lords Derby, Cairns and Salisbury, had treated the matter in a very different way from the Opposition here. They had not

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entered into the matter in a spirit hostile to the interests of the nation; but condemning the Treaty where they considered it open to condemnation, they offered no factious opposition. He referred to speech of Lord de Grey, stating that the English Commissioners had fought the question of reciprocity as long as it was possible to do so. With reference to the complaint of the member for West Durham, attacking first the protocol and then the remarks of the First Minister, he did not know what to believe. He quoted from a speech of Lord Granville in reply to Earl Russell, stating that at the first meeting the Commissioners decided to keep their deliberations secret, and that there was no doubt of the wisdom of that course; also that the conditions laid down by the Americans were in perfect good faith. To some the English Commissioners at once declined to accede; others were referred to the Imperial Government, and the decisions or counter propositions made by the English Government were received and considered by the Americans frankly and fairly. It was not correct, therefore, to assert that everything had been conceded, and that no efforts were made to carry out the views of Canada. With regard to the merits of the Treaty, it was not, of course, altogether acceptable to Canada; but they were left to deal with it as they thought fit, and if it were necessary to confirm what had been previously stated by the First Minister in reply to the member for Hastings, he could say most unhesitatingly that no pressure of any kind had been brought to bear on the Government from England; but that all the advice that had been tendered had come from the very best friends of British connection in England. A great deal had been said about the cession of territorial rights, and the compromise of honour; as to the latter, however, there was not a gentleman opposite who would not be prepared to concede everything if they could get a little more. If it was a question of honour only, what difference was there between the cession of territorial rights to us by the United States and ours to them? The moment the dispatch was received suggesting the idea of a money payment for the fisheries, the Government at once pressed their opinion that settlement should be made on that basis. Admitting that the Treaty had great defects, what had been the duty of the Government, and what was the duty of the House? for the same reasons that influenced the Government should have the same influence with the House. He would have been glad if the fishery articles had been

excluded, and if, when the Imperial Government had the opportunity, they had decided to withdraw from all further negotiations respecting the fisheries. But the circumstances were materially changed when the Imperial Government took the responsibility of confirming the Treaty. It was certainly not a little surprising that the most violent opposition against the Treaty proceeded from those least interested in it. He read an extract from a speech of Lord Derby to the effect that the Imperial Government had acted fairly in giving Canada the power to veto the questions which concerned her, and expressing the hope that no pressure would be brought to bear on her. The speech then went on to say that the weak point of the Confederation was that it was composed of separate local Legislatures, and as the Maritime Provinces were in a minority, they were at the mercy of other portions of the Dominion in all questions where the local interests differed; and the speaker expressed the opinion that in the Treaty it would be found that, while Ontario and Quebec would readily accept it, having a good bargain, the main opposition would arise from the Maritime Provinces. Sir Francis continued that, considering the enlightened views entertained on the subject by the members for Hochelaga and Chateaugay, there was little doubt that the Treaty was viewed favourably by Quebec. But little did Earl Derby imagine the howl that would proceed from the Grits of Ontario under the influence of the dictation of the *Globe* newspaper, which was so powerful that hon. gentlemen opposite dare not disobey it. He would not have referred to this matter again but that the hon. members for Lambton and West Durham had stated that they had declared their views in anticipation of that newspaper. Let any one take up the files of the *Globe*, and they would see how violently the Treaty was denounced, and how these hon. gentlemen had followed suit, and obeyed instructions received from their master.

Hon. Mr. MACKENZIE—You followed suit on 28th July.

Hon. Sir F. HINCKS said the remark just reminded him of something he desired to say. It had been stated more than once from the other side of the House that the Government had followed suit in their despatch of July 28th. He read an extract from that despatch stating that the Treaty of 1854 had met with the approbation of Canada; whereas the fishery articles of the present Treaty were adopted against the advice of the Canadian Government. How could it be said that

the Government followed suit, when they so distinctly protested? When, however, the Imperial Government agreed to the Treaty, a Government and people;—if we had then refused to perform our part, how awkward would have been our position towards both England and the United States? The arrangement was considered by all parties in England to be a fair and reasonable one; and, as had been truly said by the first Minister, if Canada had to make a sacrifice had not England to do so also, and if Canada refused to ratify the Treaty she would be placed in a very disagreeable position towards England. It must be borne in mind that, before the negotiation, the matter of the protection of the fisheries was in a very unsatisfactory position, and that for some years previously difficulties had arisen as to the amount of protection necessary, while constant danger was to be apprehended, and pressure was exercised on the Canadians from collisions with American fishermen. He then read an extract from a speech of Lord Carnarvon, who, he held, was pre-eminently among the members of the House of Lords, a warm friend of the connection between England and the Colonies. The speech was to the effect that the Treaty was a bad bargain for England, as she had conceded more than she would have done to any other country than the United States. Looking at the question, however, from a Canadian point of view, he (Lord Carnarvon) stated that, "though Canada might consider she had not received all the justice to which she was entitled, yet she must remember that the question was essentially an Imperial one, and Canada, as an integral portion of the Empire, would be ready as such to do her duty, and even to make a sacrifice if necessary; adding that, while the Treaty might press hardly the Maritime Provinces, he had confidence in Nova Scotia and New Brunswick that they would accept the sacrifice cheerfully, for while national feeling had ebbed very much in England, he believed it to be very high in Canada; and he trusted that Canada, with a wise exercise of her liberty, would not withhold her consent, as the measures were not to be judged by their immediate effect, but would be found to result in great advantages at some future day. He had no apprehensions as to the future if questions were considered by a united Empire, and in spirit of moderation, good sense and kindly feeling on all sides, and his only fear for the result was in the possibility of Canada and England meeting the difficulties singly and apart from each other." He was sorry to hear the remarks

of the hon. member for Sherbrooke the other night, although he was gratified at the conclusion he arrived at—to support the Treaty. But he owned he could not understand how he had arrived at that conclusion, and he referred to it because he did not desire that the speech of that hon. gentleman should be considered in any way as representing the views of the Government. (He Sir Alexander Galt) had concluded that, as we were a source of weakness, we ought to make a sacrifice. He (Sir Francis) contended that we had not been called upon to make a sacrifice. He denied that public opinion in England was in favour of separation. The wisest and best statesmen in England and the masses of people were in favour of colonial connection. (Hear, hear.)

Hon. Mr. MACKENZIE—That is not what the Secretary of State for the Provinces says.

Hon. Sir FRANCIS HINCKS—He [Mr. Howe] had referred to the authorities that had induced him to state what he did; and even if it were true that he held these opinions—and he differed from him [Sir Francis] on that point—the hon. gentlemen opposite were quite welcome to the fact that they did so differ. He firmly believed that the feeling in favour of severing the connection did not exist in England to any extent. He would make one or two further remarks with reference to the Fenian claims. He contended that we had a right to expect reparation from England, after she had failed to procure it for us from the United States, although his hon. friend, the Minister of Justice, had differed from him. He had contended that the correspondence leading to the formation of the Commission fairly included the Fenian claims as one of the subjects to be dealt with. The Minister of Justice had, however, thought that there was some doubt, and that there was something to be said on the American side of the question, and, in consequence of that, England had assumed the responsibility of them, although in a very guarded manner. They had never said that they were prepared to pay all those claims. He felt certain that nothing would have been more prejudicial to us than to have entered into a negotiation with England to get a sum of money in compensation for those Fenian claims. We would have been bound, of course, to use every exertion to get the largest possible amount; and he had no doubt that he could have made out a large bill. He was certain that no statement which could have been made out would have been assented to by England. We should

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then have got into a controversy, and should have been obliged to come down to the House, having made a large claim which could not be recognized. He, therefore, thought that in endeavoring to get compensation in another way more advantageous to Canada, a very wise and judicious course had been adopted.

Hon. Mr. J. H. CAMERON desired to say a few words in reference to the remarks of the Secretary of State for the Provinces, with regard to his hon. friend the member for West Durham, the other night. He wished to do so because he did not concur in those remarks. He did not think it judicious on the part of any member of the House, and especially of one holding the office of a Minister of the Crown, to endeavour to draw illustrations from the profession or occupation of any gentleman who happened to hold a seat on the floor of that House; and as a member of the same profession as his hon. friend from West Durham, he thought the remarks should not have been made. While he (Mr. Cameron) was an humble supporter of the Government, he did not desire to be a supporter of statements of that character, and he thought it due to the hon. gentleman to give his own expression of opinion in reference to a matter of that kind. With regard to the Treaty itself, before entering into discussion on its various points, he might be allowed to say a few words about one upon whom the eyes of all Canada were fixed, in whom all Canada had the greatest possible interest, and in whom, he ventured to say, the greatest part of Canada had the most implicit faith and reliance. He referred to the gentleman who was entrusted, not only as a negotiator but as the representative of the Empire, and of Canada, as a part of it; he whom every one had been accustomed to see, and whom he (Mr. Cameron) had been permitted to follow, as his leader, for so many years. Probably there was no member of the House more entitled to speak of that gentleman than he. They had been friends for more than half the term allotted to man; they had been at school together, and had been in the Government of Canada in the freshness of their youth, more than a quarter of a century ago; and from that year to this, although their position had been very different, he had been always his political follower, and had endeavoured always to be his faithful friend, and he believed there were very few among those who had been his friends, followers and supporters during that long period of years who were not his friends and supporters now. There could hardly be a higher compliment paid

to any man than that he could have held the position he had held during the many years past; and he felt compelled to say it because vituperations had been poured upon him, because heartless attacks had been made upon his character and honour, because they ought to remind themselves of his services and of his worth to the country. They all knew, every one of them, and he (Mr. Cameron) recollected well, the time when he first came so prominently to the front. They all might have looked through their own party, in and out of politics, and could not have found a single man his superior, and in the Opposition party they could not find a man his superior nor his equal. During all those years he had carried out those measures which he considered were for the good of the country. In many he (Mr. Cameron) did not concur, but in many had agreed; and of all men competent to deal with the affairs of this country, he had always considered that there was no one so competent as he, Sir John Macdonald. He (Mr. Cameron) had seen his skill and ability at all times and under all circumstances, and there was no one among them who had not had an opportunity over and over again of judging of it. He would ask them to recollect how, when circumstances had withdrawn him, when debates and discussions were going on, they had felt that the chords were jangled and out of tune, and when he returned again, how his master hand evoked a harmony that no other hand was able to produce. They had all known it. They had seen him in this position there using his talents and great ability for the benefit of country. Had he turned those talents and that ability to his profession, he would have won both wealth and fame. He had been engaged in measures for commercial and railway enterprise, for trading companies, and for great landed and other corporations; and while he had been charged as the means of corrupting others, no man had ever said that he (Sir John) had corrupted himself; no whisper, no insinuation, no hint of personal gain ever went forth against him. Whilst other political men were making their fortunes, no one ever felt otherwise than that that man was poor, because he never allowed his political or parliamentary influence to be used in order that he might in the slightest degree make capital of his position. Did not they all feel that one reason why his learned friends opposite had raged so furiously against him, had been because of what his hon. friend from Lambton had said the other night, that his (Sir John's) path was marked by the graves of dead

politicians. He (the member for Lambton) had boasted of the purity of Reform principles, and of the strength and power of Reformers; and yet he had seen their foremost men, one by one—even the great Anak himself—become the willing captives of his bow and spear, and march to their political death under the eye of their conqueror; while he contended that what they termed “political death” was really political regeneration. That was their position; and their position with regard to his hon. friend had been not merely with reference to that, but it had been in reference to all that he had been to all of them. He had always been generous and easy of access, ever mingling courtesy with kindness. No man ever had more devoted friends and followers. He had grappled them to his heart with hooks of steel and had left them there. Over and over again he had carried them forward with him to victory, and he believed that now as ever his latest and crowning victory would be the response which the Parliament of Canada would make to the appeal that they should ratify the Treaty. His party were indignant that the charge of treason, and the name of “Judas” should be used against him. Notwithstanding the taunts and the violence of the Opposition—notwithstanding the accusations they made—they would find that, in the opinions not only of a large majority of the members of the House, but of an equally large majority of the people of the country, there was no man under whose banner they would more gladly advance, either to victory or defeat, than that of the hon. member who lead them. He felt that these observations were due to his friends, that none of his colleagues would like to speak of him in reference to these matters as he (Mr. Cameron) had done.

AFTER RECESS.

Hon. Mr. HILLYARD CAMERON resumed his speech, saying that the points connected with the Treaty which did not refer in any way whatever to the clauses reserved for the consideration of this Parliament, were the navigation of the St. Lawrence and the Fenian invasion. He did not propose to ignore either one or other of these points; but, as far as the House was called upon to vote or act, the measure was simply in reference to those articles of the Treaty which could not go into operation until ratified by the Canadian Legislature. Now, at the root of the matter lay the question as to the power given to the gentleman on the Commission—whether it was solely Imperial, or

partly Imperial and partly Canadian. No one who examined into International law, or who endeavoured to ascertain the principles upon which all diplomacy rested, could hesitate to acknowledge that in the negotiation of treaties there could be no *imperio in imperium*; that there could be no branching out from the Imperial Government of the Colonial relation; that there could be no statement of the Colonial relation without the consent of the other contracting party; because, if there were, there would be two contracting parties, as regarded one portion of the treaty, and only one contracting party as regarded the other portion. He thought the argument was perfectly clear that the Commissioners could only act upon the instructions of the Imperial Government, even if their powers were of the most plenary character. It was also clear that, no matter what might have once been the doubt upon the subject, a treaty was not binding upon the countries negotiating it until it was ratified. There never was a case before like this. The whole of history might be searched, and no case could be found in which there was a Colonial representative on an Imperial commission, that representative being a Minister of the Crown in a Colony where rights were claimed irrespective of the Imperial power. From the earliest history of diplomacy the only instance at all approaching it, that was in any respect similar, was the Ashburton Treaty, in 1842, when the States of Maine and Massachusetts claimed that the absolute proprietary rights of one, and parts of the sovereign rights of the other, could not be alienated without their consent. But the Secretary of State had not sent independent Commissioners to negotiate a Treaty, nor did they claim to do so. All they claimed was that by the fundamental law of the United States no portion of the territory of any State in the Union could be taken away without the consent of that State; and, that whatever Great Britain and the United States might agree to, could not be finally consummated without their consent. The rule was perfectly clear that Commissioners appointed to negotiate a Treaty were exactly on the footing of plenipotentiaries. They were bound to act on instructions, and if they disregarded them they were liable to have their acts repudiated and themselves disgraced. Upon this point he read from Lamartine to the effect that a plenipotentiary was only an agent of the Government he represented; that he could neither direct, nor act, nor agree upon anything without the authority of his

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Government; and that if he did his Government was at liberty to repudiate his acts, even although he had full power. The same writer, one of the best upon diplomacy, whose every word was entitled to consideration, and whose reputation was not only European but world-wide, referred also to the position of diplomatic agents. He (Mr. Cameron) read from the original French (amid applause from the Quebec members,) to the effect that no agent appointed by a Government had a right to refuse to act after he had accepted his commission, unless the Government refused to give him instructions in a case in which he did not see his way clearly, or unless the Government gave him instructions to act contrary to his honour and patriotism. It had been said that the First Minister might have withdrawn from the Commission; but under the authority he had quoted the only ground he could have taken as an agent of the Imperial Government, was to have attached his signature to the Treaty, if he had done so as instructed. Then if his instructions required him to act contrary to the feelings of his country, he was bound to resign his position as a Minister. Unless, therefore, his hon. friend the member for West Durham could show that the First Minister had sacrificed his honour and patriotism, he could not be regarded as having the power to withdraw from the Commission. (Hear, hear.) This was the first case where a Minister of the Crown in a colony had been asked or required to deal with Imperial interests. It was true that at the time of the revolutionary war Henry Oswald, a gentleman engaged in the Canadian trade, had been appointed a plenipotentiary to negotiate terms of peace; but Mr. Oswald was not a colonist in the ordinary sense of the term; nor was he a member of the Colonial Government. There being no case exactly like this, the general principles of international law, which guided diplomacy, must apply. If anything more were required, it would be found in the action of the House itself. On both sides of the House last session it had been stated that the Commissioner should not be fettered by instructions, and that he should be left entirely free and untrammelled in his actions. The House had taken this course for the best of reasons; because it could give no instruction which could interfere with the instruction of the Imperial Government, and because the power likely to be exercised over him by the Imperial Government was a power within the province of this House to check, by requiring that the Imperial Act or Treaty should be sub-

mitted for the approval of the House. That had been done, and these articles of the Treaty could not be legally carried into effect until they were pronounced upon by the Parliament of Canada. Now what were the acts the House was called upon to consider? What were the acts the acceptance of which, it is said, would be sacrificing the interests of this country? They were acts connected with the fisheries. What was the history of those fisheries? If they looked into it they found that the United States had rights in them from 1783 to 1818. Those rights were abrogated by the war of 1812, but revived under the Treaty of 1818, and continued till 1854, when increased facilities were given to American fishermen under the Reciprocity Treaty. That Treaty expired in 1866, but since then the right of Americans to resort to our waters had been recognized by the licensing system, and by the permission that was accorded to them of purchasing fish and transferring from one set of vessels to another for transport to American ports. Since the Americans had resorted there our fishery trade had increased over and over again. (Hear, hear.) The facts declared distinctly, clearly, emphatically, and without the possibility of denial, that since then the increase in the trade on the part of our colonies, had been greater than ever before. (Hear, hear.) There was, therefore, nothing, as far as the fisheries were concerned, which showed that we had lost; there was nothing that showed against us and favorable to the United States. If it was favourable to them, why should the United States fishermen require a bounty? (Hear, hear.) But they have not got it, and they are not likely to get it; and until the bounty is granted the argument can have no effect; but in the meantime we had the fishermen of the United States, who, he supposed, knew their own interests quite as well as either the member for West Durham or Lambton could do, saying that their rights were interfered with, and that they were suffering the degradation and humiliation which we were told are cast on Canada; and that they were crying out for a bounty, while our fishermen were perfectly satisfied. One fact is said to be worth a thousand arguments, and these were facts. He could not speak of the feeling of the Maritime Provinces except from the tone of their press, and their expressed opinions on the subject; but he believed the general feeling down there was in accordance with the views expressed by the Governments of Prince Edward Island and Newfoundland; and that the views expressed in the

English House of Lords were entirely mistaken; and that in reality the Maritime Provinces were in favour of the Treaty. This reciprocity in fish and trade had existed before, it existed from 1786 to 1818; but now, because we had not so wide a range of commodities free, we had in addition a money grant. It was said that as far as length of time was concerned, the United States had not had reciprocity in fishing for a longer time than they had been deprived of it, and there was nothing to show that the losses which it was thought the Maritime Provinces would sustain had not been sustained. We were told by the member for West Durham in his speech, which was as exhaustive from his point of view as was the speech of the Minister of Justice from our point of view—that the fact of a bounty being allowed by the United States to their fishermen was something that should have been provided against in the Treaty; while in the same breath he said that the Treaty was favourable to them, and that a money grant was dishonourable. Let them examine that for a moment. Was it dishonourable to exchange one article or commodity for another. They had a Treaty from 1854 to 1866, and no one thought it dishonourable to have the products of our country introduced into the United States duty free. Supposing that at that time there had been a balance of commodities to come from them to us, would any one have thought it dishonourable if we had provided for that balance by a money arrangement? And now we say that, as the rights we gave to them are greater than the rights they gave to us, we are entitled to a money compensation. There was nothing dishonourable to us, nothing derogatory to us, or that the United States themselves had not done. There were gentlemen who seemed most anxious to carry the honour of England about with them, and who thought that loyalty must exist in their hearts because it was always on their lips, and who were constantly offering themselves as most pure; while those around them did not always think that the purity existed—and those gentlemen stated that the money compensation was dishonourable, while such actions were of so late a date as to be within the memory of men in the House. The Treaty of 1842, by Lord Ashburton, was one of the strongest instances on record of the cession of territorial rights for money, and also for the cession of other rights similar to the Fenian claims for money; also by the Treaty of Ghent it was determined that the north eastern boundary of the United

States should be settled by commissioners, and if the commissioners should not agree, it was to be referred to a friendly power to decide. Surveys were made, and gentlemen from New Brunswick and Nova Scotia were, no doubt, much more familiar with the facts than he was, as long years elapsed while those surveys were being carried on. Then when the boundary could not be agreed upon, the question was referred to the King of the Netherlands, who, supposing that all he had to do was to do what was right, did not give the Americans their line, and did not give the English their line, but ran a line between the two. England was quite willing to take that line, but the United States held that the King of the Netherlands had only to decide which of the two lines was correct, and had no power to decide on a third line, and they repudiated the award; but the treaty still stood, and a new convention was made, and under the new arrangement Lord Ashburton was appointed to act with a commission of the United States. Maine, however, had not agreed, and General Jackson said: “agree to the treaty and we will give you \$1,250,000.” Maine, however, would not agree; a new treaty was made, and Maine then thought she ought to have a commissioner, and there was a doubt whether the United States could take her territory without her consent; and subsequently she did consent. England then got more than she did by the award of the King of the Netherlands, though she did not get so much as we thought she should have done; and for the territorial rights which Maine upheld she got \$150,000, and Massachusetts got more. Gentlemen from New Brunswick would recollect the facts, because two or three companies of regulars were sent to Temiscouata, and how there was a disturbance because Maine sent out men called “labourers,” but who were armed with muskets and supplied with a cannon. He remembered these things distinctly, because at the very time he was making a pilgrimage from the frontier of New Brunswick to the city of Quebec, and he remembered well how the men from Maine were drawn out, and how the State of Maine made a claim for \$200,000, which they thought Great Britain ought to pay, and if Great Britain had not sent out her troops, Maine would not have called men out. Maine would have liked Great Britain or New Brunswick to pay it, but New Brunswick, as was the case at present, would have wanted better terms. The result was one of the most curious things of modern times. The treaty between Great Britain and the United States pro-

vided in one of its articles that the United States should pay to the States of Maine and Massachusetts \$500,000 for the damage which they suffered by calling out the troops and they did not agree to pay that by agreement with their own country but they made a treaty with a foreign power to pay it; and when the treaty was ratified, Lord Ashburton wrote to the Secretary of States of the United States, and said—"If you do not pay the money Great Britain must go to war with you to compel you to pay your own country; and the United States Secretary of State wrote to Lord Ashburton declaring that the United States took the matter on themselves. That was only thirty years ago; and the honour of the United States did not then seem to be very much affected by the fact that they had to pay for obtaining some territory; that they had to pay for losses caused by calling out their men; but they paid the money and the records of the Treasurer of the State of Maine and the State of Massachusetts show the one received \$350,000, and the other \$150,000. There were many instances in which the United States bought territory. They bought Florida, and indeed almost all their territory was acquired in that way; and, although they claimed to be the highest and best disposed country in the world, as to the rights of the people, they have never found it degrading or dishonourable to pay money for territorial rights. England's own transactions were nearly of the same character. In 1850 she bought part of the west coast of Africa from Denmark, and this month she was to take possession of more property on the same coast on the same terms. Were all these transactions so dishonourable? If we had asked the tail of a fish in payment no one would have objected, and because we asked for what represented the fish, why should it be objected to? The present Treaty was an absolute acknowledgment which could not be abrogated, that the United States solemnly acknowledged that we had the right of exclusion within three miles of our shore, which they cannot by any possibility interfere with. Was it for our advantage or not that the matter should be dealt with in this way? Was it for our advantage or not that the bonding system should continue? Was it for our advantage or not that the coasting trade should be allowed, and that those things, the benefit of which no man could for a single moment deny, should be ensured? Then the United States could not claim the right to fish for ever. Our Government made a provision, which, alone and inde-

pendent of anything else, ought to induce any man who had a doubt about it to vote for the Treaty. These rights which it was said were given up contrary to the national honour, and which were degrading and humiliating, were given up for how long? For ten years; and two years years afterwards. The Government had showed their wisdom in getting the Imperial Government to declare before hand the exact terms on which the Treaty should end. Twelve years were nothing in the life of a man. What were they in the life of a nation? Twelve years ago some of the members of the House were boys; they were now in the strength of manhood; and twelve years hence they would still have the greenness and vigor of manhood about them, and they would see the Treaty abrogated if it turned out to be against our interests, and they would see that it was not abrogated if it turned out to be in accordance with our interests; and in the meantime there were many benefits. He did not care about the Government despatch of the 28th July, or 20th January, or anything of that sort; but he had met the first Minister immediately after his return from Washington, and told him that he believed the Treaty to be a good one, and in the interests of the Empire; and he was ready to stand by it, (cheers,) and he had never changed his mind, but was still ready to stand by it, and he did not hesitate to declare that in the position which England occupied the Treaty was a good one and a wise one. That Treaty was only for a time, and not for permanency; and, being so, it was one which members could vote for, and for which the people of the country would not visit them with their displeasure. There was a very great deal to be said with regard to the free navigation of the St. Lawrence, and the question of Fenian claims. He did not intend, when he began, to keep the House so long, and he did not desire in any way whatever to weary the House, (cries of "go on,") but he desired to say one or two words respecting the trumpety way in which the members for West Durham and Bothwell spoke about the navigation of the three rivers in Alaska; the Yukon, the Porcupine, and the Stikive. He maintained that except for the terms of the Treaty we would not have the right to navigate those rivers. The cession of Alaska to the United States destroyed all rights that England had in that territory before the cession, and he undertook to prove it before he sat down by an exactly similar case. He declared that, as far as his judgment went, and his reading of inter-

national law, that was the inevitable position; and if he could set before the House laws of an exactly similar character, between which and the case in question no distinction could be drawn, he would ask the House to pronounce that the proposition he had mentioned was true. The first case he would take was the free navigation of the Mississippi. By the Treaty of 1783, England was entitled to the free navigation of that river, and she enjoyed that right when she made a treaty with France and Spain at the time of the declaration of American independence. When one of her vessels in the port of New Orleans desired to attach itself to the shore, and the Spanish commandant desired that it should not, a British corvette moved up opposite the commandant's house, and declared that if the vessel was not allowed to attach herself to the shore, she would blow the house to pieces; and so the right was vindicated. From the hour when the United States bought Louisiana, in 1803, the right of Great Britain to navigate that river ceased. It was contended that the war of 1812 had put an end to it; but that was not the case. From the hour that the United States obtained the cession of Louisiana in 1803, she declared that the navigation of the Mississippi ceased, so far as England was concerned. Again, Texas was an independent country; it had its own treaties, and when Texas became incorporated into the United States, the countries with which the Treaties had been made gave notice that they would claim their fulfilment; but the United States declined the right, and it was not insisted upon. He would give one more case in our own recollection. In 1863 the Ionian Islands were annexed to Greece. England had treaties of the freedom of ports for commerce; and for fear that, on the cession of the Islands, she would not be allowed these privileges, she made new treaties with Greece for the continuation of the same treaties of freedom of ports and commerce.

Hon. Mr. MACKENZIE—The Islands were under the protectorate of Great Britain.

Hon. Mr. CAMERON—Whether the Islands were under the protectorate of Great Britain or not, their right to deal with their own cession, with the consent of England, was a clearly existing one; just as was the right of the United States to claim from England that independence should be acknowledged. He referred to Vattel's Law of Nations, Wheaton, Philimore, and others, in support of the statements he had made, and if the cases

which he had called were satisfactory to the minds of those who had heard him, then he had made out the case that, whether the Commissioners of England knew of the treaties between Russia of 1825, and the renewal of 1859—by which British vessels had the right to navigate the rivers in Alaska—or not, those rights were given up when Alaska was annexed to the United States; and but for the Treaty of Washington, we should not have the free navigation. With regard to the St. Lawrence, we were told that Lake Michigan was a tributary of it. Was not the Ottawa a tributary of the St. Lawrence, and if we had the right to navigate Lake Michigan, on that ground, would not the Americans have the right to navigate the Ottawa? Lake Michigan was an inland sea surrounded by the territory of the United States, and we had no more right to navigate it than they had to navigate the Ottawa, which was unquestionably a tributary of the St. Lawrence. This lake would not even have been an open water to the citizens of the United States generally had not a provision been made expressly. In the constitution of the United States they can open all the lakes and rivers of the nation for the navigation of its citizens. As the Romans of old had claimed the sole navigation of the Mediterranean, so in the same way could the United States have shut out all vessels from Lake Michigan. The only thing that he thought would have been better in the Treaty would have been that, in return for the navigation of the St. Lawrence for ever, we should have had a similar right to the navigation of Lake Michigan. But what harm had ever been done by our giving free navigation of the St. Lawrence? Had we ever prevented the ships of any country from coming to Quebec and Montreal in times of peace? We were glad to see those ships in our waters, and it was greatly to the interest of the Dominion that it should be so. The Americans claimed that they had the right independently of the Treaty, and that which they had claimed as a right we allow them as a liberty. With reference to the Fenian claims, he had already mentioned a curious case that had arisen with reference to the territory of Maine and the United States; but he had another case of a very similar kind which happened also between England and the United States, and in which England did not go to war with the United States, and did not consider that in any particular manner her honour was sullied. When the War of Independence terminated, and the preliminaries of peace were considered, Eng-

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land claimed that the United States people should make reparation to those of her people who, following the good old flag, had determined to leave the United States, and whose property had been confiscated. The United States agreed to recommend to the several States of the Union that they should restore the property of the Englishmen who had fought against them, and had remained true to their own Government, and that they would do what they could to obtain from the different States a recognition of that principle. Many in England believed they would carry out those views, but no State of the Union responded with the exception of Pennsylvania. The British Government were told of this, and England saw that the United States could not apparently enforce their wishes, and she allowed the matter to go. The case was nearly the same with us with regard to the Fenian claims. Our claims had not been pressed by Great Britain, and one of the reasons no doubt, was that unadvisedly, and without due consideration, the Government of England had telegraphed to the President of the United States that his prompt action in repressing the Fenian raids was entitled to their warmest thanks. It was, no doubt, felt that that would be cast in her face if she sought a reconsideration those claims. She would rather pay those claims herself than allow them again to come before the United States; but according to the principles of international law she could present them at any future time. We were asked, by the hon. member for West Durham why England should give up those claims; why should she not be prepared to take a stand as she did when she sent her army to Abyssinia, and when she demanded retribution for the outrages committed by brigands in Greece? Have we forgotten what England did for us in the troubles of 1837? Have we forgot the case of the *Caroline*, and what England was ready to do for us then? England stood by us then, and would she do less for us now? We could not do otherwise as long as we remained a portion of the Empire. We had duties and obligations to perform, and sacrifices to make, which we could not overlook until we took upon ourselves the responsibilities of nationality. He hoped that that time would not come during his life time. It might come during the life of his sons, but he hoped not even then. (Loud cheers). Viewing the great national changes in Europe of late years, where was England to look for an ally but to that great nation of the west, of the same speech and blood? A great American

statesman had said that the sun followed England's drum beat around the world. Let it rather be said as a national boast, that England's power went round the world in the interest of peace, rather than of war. Let it be said in the interest of civilization enlightenment and religion, that Canada, either did not stand in the way of peace progress, and civilization, but that England having granted us our Dominion and brought us, men of different races, languages, and religion together—but though different, all prepared to acknowledge the supremacy of this great land from which christianity, enlightenment and civilization had gone out to the ends of the world—Canada puts neither block nor impediment in the path of those arrangements tending to peace, but offers to her people to-day that treaty of peace and good will toward men, one that it will be our proudest recollection and to remember that we assisted to ratify. (Loud cheers.)

Mr. McCONNEL argued against the acceptance of the Treaty, as he thought it was objectionable to a large majority of the people of New Brunswick, and he did not think the state legislatures of America would consent to it. He denounced the Government for having accepted the guarantee of two and a half millions. The papers brought down did not in his opinion show that sufficient exertion had been made to obtain access to the American coasting trade. He could not bring himself to consider the Treaty as anything short of national humiliation.

Mr. POWER (Halifax) said that he was not accustomed to occupy the time of the House, and did so now with reluctance; but as he considered the subject under consideration to be of great importance and one in reference to which a good deal of misapprehension seemed to exist, and as it was a subject upon which he could perhaps throw some light, he felt that he ought not to be content with a silent vote. No one regretted more than he did that this Treaty was not more general in its provisions. He wished as urgently as any one that it was more like the recent Reciprocity Treaty, which proved so advantageous to the United States as well as to these provinces; but as this could not be obtained, and he believed was not obtainable, he was in favour of accepting the Treaty even as it was, and the following were some of his reasons; they were not merely theoretical, but the result of years of practical experience and careful observation. (Hear, hear.) In the spring of each year some 40 or 50 vessels resorted to the Magdalene Islands for herring, and he

had known the number to be greater. These vessels carried an average of 900 barrels each, so that the quantity taken was generally in the neighbourhood of 50,000 barrels. During the existence of the Reciprocity Treaty no United States vessels went after these fish. All the vessels engaged in that fishery belonged to some one of the provinces now forming this Dominion. Since the abrogation of the Treaty and the imposition of the duty of a dollar per barrel by the United States, the case had become entirely changed. Vessels still went there, but they were nearly all American. Now, under this Treaty we would get that important branch of trade back again. The lower provinces, Nova Scotia in particular, had a large herring trade with Newfoundland. Vessels went there with salt and other supplies, and brought back cargoes of herring in bulk. Employment was thus given to the cooper and labourer in preparing these fish for export, and as the business was prosecuted mostly in the winter months when other employment was difficult to obtain, it always proved a great boon to the inauspicious. We lost this trade also, when we lost the Reciprocity Treaty, but it would return to us under the treaty now offered for our acceptance. A little more than two years ago, two vessels belonging to the Province of Quebec arrived in Halifax from Labrador. They had between them 3,400 barrels of herrings. Not finding sale for them in Halifax, they proceeded to New York, where they were sold. The duty on these two cargoes amounted to \$3,400 in gold. Under a treaty of this kind, this \$3,400 would go into the pockets of the owners and crews of the vessels, instead of into the United States Treasury, and cases of this kind occurred almost every day. The same reason applied to the mackerel fishery, but with still greater force, the duty being two dollars per barrel. There was another feature connected with this fishery, which ought to have a good deal of weight with this House in favour of the Treaty. American vessels following the cod and mackerel fisheries were manned in great part by natives of some parts of this Dominion. The chief cause of this was that, as the hands fished on shares, viz., one half of what they caught, those employed on board of United States vessels get theirs in free of duty, whilst the men employed in the vessels of the Dominion had to pay the duty on theirs. A hand catching twenty-five barrels of mackerel to his share on board a United States vessel would receive \$50 more than he would receive for the same quantity taken in one of our own vessels.

Mr. Power.

A consequence of this was that the best men went on board the American vessels, and our vessels had to put up with the less capable. Indeed, should the present state of things continue much longer, our people would be compelled to give up the hook and line fishing altogether, for it was impossible that they could continue to compete against the duty and their other disadvantages. (Hear, hear.) During the existence of the Reciprocity Treaty, the number of vessels following the hook and line mackerel fishery had increased to about sixty in the county of Lunenburg alone. Since the termination of the Treaty the number had been gradually falling off, until last session no more than half a dozen vessels engaged in that business; and he believed that, should this Treaty not be ratified, there would not be a single vessel fitted out in that county for the mackerel fishery the approaching season. (Hear, hear.) He had been assured by vessel owners in Havre au Bouche, an enterprising settlement at the eastern end of the county of Antigonish, and also by those on the western side of the Strait of Canso, in the county of Guysboro, from both of which places the mackerel and herring fisheries had been extensively prosecuted, that the business will not more than pay expenses, and that, unless something was done to relieve these fish from the present duty, they would be obliged to abandon the business altogether. This need create no surprise when it is considered that at the present value of mackerel and herrings the duty is fully equal to fifty per cent. Owing to the advantages offered by the American vessels over our Provincial vessels engaged in fishing, not only were our best men induced to give their skill to the Americans in fishing, but in many cases they remained away, and their industry was lost to the Provinces. They went on to the States in the vessel the last trip in order to get settled up for the season's work, and generally remained there to man the fishing and other vessels of the Republic. Why, a very large proportion of the inhabitants of Gloucester and other fishing towns of Gloucester and Maine were natives of some of the Provinces of this Dominion. Now, with this Treaty, the inducements to give a preference to American vessels would be removed, and our own vessels would be able to select good hands who would remain at home, the temptation to emigrate as he had just explained being removed. He had heard it said that the consumer paid the duty. Now whilst this might be the case with most articles, it was not so with the article of

our fish. In our case in this business our fishermen fished side by side with their American rivals, both carrying the proceeds of their catch to the same market, where our men had to contend against the free fish of the American fishermen. Let him illustrate this. An American and a Provincial vessel took 500 barrels of mackerel each, both vessels were confined to the same market where they sold at the same price. One had to pay a duty of \$1,000, while the other had not to do so. Who then paid the \$1,000? Most certainly not the purchaser or consumer, but the poor, hard-worked fisherman of this Dominion, for this \$1,000 was deducted from his account of sales. Those who contended that in this case the consumer paid the duty ought to be able to show that, if the duty were taken off in the United States, the selling price there would be reduced by the amount of the duty. There was nothing in the nature or existing circumstance of the trade, to cause any person who understands to believe that this would be the case, and therefore it would be seen that at present our fishermen labored under disadvantages which made it almost impossible for them to compete with their rivals in the United States, and that the removal of the duty as proposed by this Treaty would be a great boon, and enable them to do a good business where they now were but struggling or doing a losing trade. (Hear, hear.) There was another point connected with this matter that might perhaps have an important bearing on the fishing interests hereafter. Should the Island of Cuba, to which we now exported a large portion of fish and lumber, our vessels bringing home sugar and molasses in return, become independent, under United States protectorate, as was intended had the rebellion in that island succeeded, or what was more likely should it become a part of those States by purchase or otherwise, with the present American tariff to meet us, we would be completely cut off from the trade of that island. But with this Treaty in existence we would not only be secured from this contingency, but would have that market open to us on much better terms than at present. The House was told that our fishing grounds, &c., would be protected against all outside encroachment. This was much more easily said than done. Great Britain wished us to accept the Treaty, and should we refuse to do so she would not be likely to send one gun to assist in protecting our fisheries, if she would even send one to protect us under any circumstances. (Hear, hear.) New-

foundland would accept the Treaty. Prince Edward Island would also, in all probability, accept it. We would then be left to ourselves. Had hon. gentlemen considered what we should have to protect? Take the map and see a great part of the shores of the Bay of Fundy, the 250 miles of coast from Cape Sable to Cape Canso; the entire circuit of the large island of Cape Breton, and the shores of the Gulf of St. Lawrence from Labrador down to the Strait of Canso. A pretty formidable task and one that would require something more than the six celebrated fast sailing vessels to accomplish. He had heard the fear expressed that, with this Treaty, the Americans would come down into our waters and take the fish away from our people. This was a groundless fear. Why had not this occurred under the Reciprocity Treaty, under which the Americans enjoyed fully equal privileges to those they would have under the Treaty of Washington? Did we find them interfering with our fishermen? He did not; and with the United States markets open to us on the same terms as to its own fishermen, could any intelligent man suppose that they could come down four or five hundred miles in vessels costing more to build, equip and sail than our vessels, and compete with our people who took the fish almost at their own doors? In Mr. Knight's report on the working of the Reciprocity Treaty, drawn up in the year of 1867, was found the following extract of a letter from a gentleman in Guysboro':—"The fishermen in this locality have, since the Reciprocity Treaty, say for the past ten years, made more money than during any ten years previous, from the fact that they have had a free market in the United States, which is the only market where a large proportion of our fish will sell to advantage; and, although fish has not been abundant, the extra price has more than compensated for the deficiency in the catch. If a heavy duty were put upon our mackerel and herrings in the United States, the fishery would not be remunerative, and," he added, "the American cod and mackerel fishermen have not interfered with us nor injured our fisheries during the past ten years, and our fishermen caught more mackerel in 1864 than in any previous year." It would be seen that we need have no fears that the Americans would do us any greater injury under this Treaty. He also found in Mr. Knight's report the value of fish exported from the Province of Nova Scotia from 1855 to 1865, during the existence of the Reciprocity Treaty, had increased from \$1,940,127 to \$3,476,-

461, and was it not fair to assume that a proportionate increase would take place under the Washington Treaty? He was told that the refusal of this Treaty would force the United States to allow our coal and lumber to go into their markets entirely free of duty. He believed the contrary would be the result. This fishery question had been a great cause of ill-feeling on the part of the United States towards us, and this being settled satisfactorily, concessions would be sure to be made by them, from the feeling of international courtesy and good will that was sure to arise from the prompt and cordial ratification of the Treaty. We would have a better guarantee for an early reduction of those duties, and the adoption of a more liberal policy towards the United States by our neighbors in commercial matters generally, than we could possibly have by assuming an attitude of hostility towards them, or in acting in such a way as to perpetuate that feeling of dislike in which their hostile legislation originated a few years ago. Those opposed to the Treaty seemed to set great value upon what we were asked by it to surrender. "Oh," said they "why should we give up our valuable fisheries, such important privileges, and for so small a consideration." Had those who talked in this way studied the case? He believed they had not, else they would form a different opinion. That our fisheries were valuable he was well aware. Their value under favorable conditions could not be over estimated; but that value would be great or small just in proportion to the markets we possessed. By this Treaty we surrendered very little but gained in many ways; for, in addition to our own fishing grounds, which we still retained, we had the privilege, if we choose to avail ourselves of it, of going into United States waters to fish, and would gain a free market, which would have the effect of increasing the value of our own fisheries to a most important extent. Newfoundland and Prince Edward Island had given strong indications that they would ratify this Treaty; and Americans having free access to the fishery grounds of the former, they would be quite independent of us in the herring and codfisheries. Prince Edward Island's ratifying it would give them access to the mackerel fishery of that Island; and with the right which they now possessed, under the Treaty of 1818, to take all kinds of fish when and where they pleased at the Magdalen Islands—and the Islands comprise, both for herring and mackerel, about the best fishing grounds

of the Dominion—the Americans need care very little for any privileges that we might have the power to withhold from them, which would amount to but a few miles of an inshore mackerel fishery; in return for which the entire markets of the United States were thrown open to us free for all the fish and products of the fisheries of the whole Dominion. But he might be answered, "If we would have so little to protect, why urge the great difficulty and cost of protecting it?" The reply was that most of the harbors on the entire line of coast that he had mentioned, were visited by United States vessels for the purpose of obtaining bait, ice, &c., for the deep sea and other fisheries, and if we wished to have the protection effectual we would prevent this. He might, however, say that he had always been opposed to United States vessels being prevented from obtaining these supplies from our people. It looked too much like cutting off the nose to be revenged on the face. The value of articles supplied in this way was very large, and the revenue, as well as the inhabitants, was benefitted by it; whilst the only injury that would be done to the Americans by prohibiting the trade was to oblige them to bring the supplies with them from home, or drive them to Prince Edward Island, where every facility was readily given them. He had understood that, until the Treaty was finally ratified it was the intention of the Government to prevent American vessels from landing their catch in ports of the Dominion. He much doubted the wisdom of this restriction. It might be all well enough if they were not permitted to do so in Prince Edward's Island. That Island lay almost in the centre of the fishing grounds, and there they were allowed to take all supplies they might require, and land their ship which was reshipped in American steamers that plied weekly between Charlottetown and Boston. Such action on the part of the Government would hardly form any restriction to the Americans while they had Prince Edward's Island open to them, and would only deprive our people of the Strait of Canso, of the advantage of storage and harbor attendant on the landing of cargoes, and our vessels of the benefit of the freighting of them to the United States. As he had said it was quite evident that Newfoundland and Prince Edward Island were favourable to the Treaty, and if we rejected it, would not these Provinces congratulate themselves for not having come into the confederation and would not the rejection of the Treaty form an effectual barrier

Hon. Mr. J. H. Cameron.

against their coming into it? (Hear, hear.) In recommending the acceptance of this Treaty, he assured the House that he had no personal end to serve nor was it because it might be favoured by the Government; and he might as well take this opportunity to state that he was not a supporter of the Government. He was influenced by more worthy motives. He was in favour of the Treaty because it would have the effect of establishing permanent peaceable relations with a powerful neighbouring country. He was in favor of it because it would largely benefit what would become under it the most important interest of the Dominion, without at the same time injuring any other interest in the least degree. He was in favour of it because it would render unnecessary the great expense, and it might be the still greater responsibility of protecting that interest; and because it would make for us friends and customers of forty millions of people (Cheers.)

Mr. MAGILL warmly opposed the bill, saying that however the Treaty might suit the merchants of Halifax, it was obnoxious to the great body of the people of this country. When it first appeared there was an universal burst of condemnation, the whole press of the country teeming with it. He proceeded to attack the Treaty as a betrayal of Canadian rights, and said that if the House rejected it, every man who wished to maintain the integrity of the Empire would applaud them as men worthy of their fathers. It had been said that the Canadian Commissioner could not have done anything less than sign the Treaty; but he (Mr. Magill) did not wish to believe that the leader of the Government had lost so much character as to become the slave of any man or Government, as to do whatever was required of him. He maintained that the hon. gentleman was an independent member of the Commission, with full power to act as he saw best, and as the House could reject the Treaty without incurring risk or danger, he insisted that their duty required them to reject it without hesitation as an insult to their dignity as British subjects, and as opposed to the interests and welfare of the country. (Hear hear.)

Mr. COFFIN said he could shed no new light on the question. He regretted that we could not get greater advantages than we had. It was held that the fishery rights should be extended in order to get concession from the United States; but that was problematical. He considered that we should be saving quite \$750,000 by the proposed terms; although for the

sacrifice of territorial rights by Nova Scotia, nothing was proposed except the guarantee for the Canadian Pacific Railway, which would not materially benefit Nova Scotia or New Brunswick. With reference to the canals, the more the St. Lawrence and the canals could be used for bringing the produce from the west the better. Respecting the Fenian Raids, the Canadian Government had quite done its duty. If we did not get our rights the British Government were responsible. It was well known that most of these marauders had not immigrated long into the States, and the American Government ought not to be saddled with all the blame. He was of opinion, after looking into the Treaty, that it should be passed in order that the long-standing dispute between the American and British Governments should cease.

Mr. WALLACE (British Columbia) as representing the maritime province of British Columbia, advocated the passing of the Treaty. It gave a free market for the fish and oil, the trade in which was now carried on at a loss. The opposition by the Ontario members showed that they did not understand the question. He spoke from large experience of the fishing interest of British Columbia, where at present there was practically no market. The ratification of the Treaty would open up the maritime trade and produce the most beneficial results.

Mr. OLIVER thought the passing of the Treaty would modify the feeling between Canada and the United States as although the keen, speculative citizens of that country would give us nothing of full value for it. He had listened to the hon. Minister of Finance, and remembered when he canvassed the County of Oxford, but the arguments he had used to-day were entirely unworthy of a gentleman in his position. It was stated that the English Commissioners pressed reciprocity upon the United States Commissioners, but he saw nothing so stated in the protocols. The objectionable features of the Treaty were the ceding of territorial rights, for which we received no equivalent. With reference to the money aspect of the question, the hon. Minister of Finance, after putting it at \$600,000, had to-day brought it down to \$375,000; \$250,000 was all that we could possibly save. New Brunswick got \$100,000, so that the rest of Canada only got \$150,000 for twelve years. But was it to be supposed that we should ever regain our rights at the end of that time? In ceding the fisheries to the United States we did so for all time to come—so that England's

endorsement would be absorbed by New Brunswick. He believed in securing the carrying trade of the West, and that the Canadian Pacific Railway ought to be built, without which the vast North West could not be settled. If we had an economical Government there was no reason why we should part with our territorial rights. When we had a surplus in the banks, our accumulated wealth ought to be devoted to the building of public works. A great deal had been said as to the abolition of the bonded system when the treaty was ratified. But even in this the Americans had got the better of us, as there were no custom house fees for goods passing through this country, but large fees were collected from us when our goods passed through American States. He deprecated the use of party politics in the discussion of so important a subject; but he objected to the argument of the hon. member for Lanark, that because the people of the States had set their heart on the carrying of this Treaty, we were therefore compelled to ratify it. The first howl against the Treaty was raised by the supporters of the Minister of Justice. As soon as the Treaty was passed there was no doubt the Americans would put their own interpretation on it, as they had done in some several similar cases before. Why were the canals now substituted for the fisheries as the lever with which to force reciprocity? Would not the carrying trade and our shipping interests be destroyed by making that a lever to force reciprocity? If we desired to cultivate respect for ourselves at home we should preserve our own rights. He believed England never stronger and the United States never weaker than at the present time. [Hear, hear.] He had no hesitation in voting for the amendment of the member for South Oxford. If that was lost he would vote for the amendment of the hon. member for West Durham, and if that was lost he would vote for the motion indicated by one of the members for Hastings. [Hear, hear.]

Mr. RUSSELL [Victoria, N.S.] was opposed to the Treaty from the first. He regretted the apology made by England to the United States. The value of the fisheries could be calculated by the degree of earnestness manifested by the Americans to get possession of them. They were protected in former times, and the Americans gave the benefit of reciprocity for the right of fishing. The headland question was still unsettled, and he thought it a great omission on the part of the Commission at Washington that the question was not settled forever. He was of

the opinion that had the national policy been continued, Canada would have forced the United States to renew reciprocity.

Hon. Mr. O'CONNOR moved the adjournment of the debate, which was carried, and the House adjourned at 11:30.

HOUSE OF COMMONS.

TUESDAY, May 14th, 1872.

The SPEAKER took the chair at 3.25 p. m.

BILLS INTRODUCED.

The following Bills were introduced:—

Mr. CARLING—To incorporate the Canada and New York Bridge and Tunnel Company.

Mr. SMITH—To incorporate the Bank of Manitoba; also, to incorporate the Manitoba Insurance Company.

M. GIBBS—To incorporate the Dominion Trust Company.

Mr. MORRISON (Niagara)—To amend the Act incorporating the Queenston Suspension Bridge Company.

FISHERIES' PRESERVATION.

Mr. BOLTON desired, before the orders of the day were called, permission to put a question which had been allowed to stand from day to day at the request of the Government. The question was whether, under article 18 of the Treaty of Washington, United States fishermen will be expected to be governed when fishing in Dominion waters by municipal or other regulations establishing a close line for the protection of spawning grounds, or other protective measures for the preservation of the fisheries.

Hon. Sir J. A. MACDONALD replied that the regulations adopted in 1856 would be continued.

THE TREATY BILL.

Mr. O'CONNOR resumed the adjourned debate on the bill to give effect to the Washington Treaty. He claimed the indulgence of the House, as the present was an occasion which he thought demanded that he should express his views and sentiments in relation to the subject under discussion—views and sentiments which he believed were in accord with those of a large majority of his constituents. He regarded the subject as one of greater importance perhaps than any other which had occupied the attention of Parliament. The fact that two of the largest political sovereignties of the whole world had agreed on this matter, and that the relations to-

Mr. Oliver.

wards each other and towards mankind at large were concerned in this matter, rendered it of great importance that the subject should be considered with the utmost gravity and care. Although the provisions did not meet his views, and hardly his expectations, in some respects, yet, after reading it carefully he had come to the conclusion that the acceptance of the Treaty was the only proper course for this country to adopt. (Hear, hear.) He was satisfied that there was no other alternative, if we regarded ourselves as an integral portion of the British Empire. With regard to the Treaty itself, it was one of immense magnitude, and particularly so to be considered in relation to our own political existence in this country; but after all, it was essentially an Imperial matter, and could only be judged correctly by being viewed and considered from an Imperial stand point. For that reason he believed that neither the people of Canada nor any statesman of Canada were in a position however enlightened they might be, to judge of it correctly. That might be done only by those statesmen of Great Britain and Ireland who were in a position to take a high and general view of the relations of the Empire, not only of its several parts towards each other, but of these relations towards the United States and all the other nations of the earth. They were the persons who were responsible to the Empire at large for what they had done under the Treaty, and he believed that they had not come to the conclusions contained in the Treaty without great care, and without believing that they were doing the best for the Empire as a whole, and for their country in particular. (Hear, hear.) It was well known that the British Ministry was composed of a number of gentlemen possessing minds of more than an ordinary high character, and abilities of more than an ordinary kind, and that there was at the head of them one at least possessing as great talents as any man of the age. That such persons, with their great experience, and with the State secrets of the Empire in their possession, should have come to the conclusion which they had 'done, was a sufficient guarantee in itself that the Treaty was an Imperial one; but when, in addition it was known that other great statesmen, those who were the leaders of Her Majesty's Opposition in the Mother Country; and numbering among them great men such as Mr. Disraeli, the Earl of Derby, Lord Cairns and others—when it was known that they who differing from those in power, would naturally be inclined to seize every fair opportunity to

oust them—had laid aside this opportunity of discussing this Treaty, and had at once accepted it, he would say that was another guarantee of immense value in considering the value of the Treaty by this country. In opposition to their opinions, in opposition to the responsibility of the British Government, and in opposition to the acquiescence of the great men who were the leaders of the Opposition there, we had in this Parliament the opinions to the contrary of Her Majesty's Opposition from Ontario. (Hear, hear.) There appeared to him, as far as he could learn, but little opposition from any other quarter. He did not think that the people of Canada would be inclined to accept the contrary expressions of opinion of the hon. members for Lambton and West Durham, even though they were backed up by the no doubt very large and very important, but still book-worm knowledge, of the hon. member for Bothwell, or the butterfly experience of one of the members for Waterloo (Mr. Young) who, politically speaking, had only just escaped from his former chrysalis condition. (Laughter.) When there was even added to that the "high falutin" expressions of the hon. member for Hamilton whose speech might have passed for a Fourth of July oration, (laughter,) he did not think that all these considerations together would induce the people of Canada to accept the opinion of the hon. members for West Durham and Lambton in opposition to those of the statesmen of Great Britain, with regard to the merits of the Treaty. (Hear, hear.) But it had always been so, as he had observed in this House, that, however important the subject under discussion, those gentlemen had always been ready to express opinions of the most dogmatic character, admitting in their eyes of no contradiction and no controversy. He had often been struck with the truth of the adage that "Fools rush in where angels fear to tread." (Hear, hear.) What were their objections, from their stand point, to the Treaty? The first in order and importance was that to the fishery clauses. It appeared to him that those who were most earnestly opposing the Treaty, in relation to the fishery clauses, were those who understood least about the fishery business; and it seemed to him that when those who were most concerned in the fisheries expressed themselves in favour of it, it should go far to satisfy the country at large that there was nothing in the Treaty detrimental, but on the contrary, that it was beneficial to that interest. (Hear, hear.) Well, supposing it was true—and he was not disposed to

disparage the value of the fisheries, supposing they were of the immense value which the Opposition from Ontario had lately found out they were, how did the question rest? Did not the Treaty provide for an equivalent to be determined in the only way recognized in modern times as the means of settling questions of that kind? Did it not provide a Commission in the nature of an arbitration to decide what amount should be paid by the United States as the difference between what they received and what they gained under the Treaty? There could be no more equitable or proper disposal of a question between two nations than by arbitration; and, as an arbitration was to decide what the equivalent should be, he could conceive of nothing fairer or more acceptable. (Hear, hear.) The next point of importance was the navigation of the St. Lawrence. It had been stated that under the Treaty we ceded forever a great inheritance to a foreign country, that we yielded the control of our principal river and greatest highway to the sea. He had never in his whole life listened to greater nonsense than he had been compelled to hear in reference to this subject, or to a greater concentration of such nonsense than was contained in the speech of the hon. member for West Durham. Was not the St. Lawrence a great highway of civilization, whose importance was increased in proportion as it attracted to it the commerce and shipping of the world? Was it not true that the shipping not only of the United States, but of the world, had the privilege of freely navigating that river, subject to the regulation imposed by Canada, and was it not true that our desire ought to be to increase that commerce as much as possible? Well, if that was the case, what had we given up? We were certainly in no worse position than before, and with regard to the United States we were in a better: for by the Treaty they acknowledged our sovereign right over the great highway; and was that not a better position in which to have the matter than when a year ago the President of the United States had in his message to Congress claimed an absolute right to navigate the St. Lawrence against our will? He was unable to see that there was any dishonour whatever in admitting the Americans to the rivers and canals on equal terms with Canadians. Had not Parliament been importuned time and again to enlarge those canals, and not only that, but to construct the Georgian Bay canal at a cost of fifty millions, and for what? Why, for the accommodation, not of the Canadian trade, but of the

carrying trade of the Western States. Well, if that object was obtained by means of the Treaty, why in the name of Heaven should a howl be raised against it as opposed to the interests of the country. (Hear, hear.) So, too, with the article relating to the coasting trade. If any advantage was to flow from it, he believed Canadian shipping would have it. He disagreed in toto from those who believed that the fisheries and the navigation of the St. Lawrence should have been held as a leverage for obtaining reciprocity, because he believed it was impossible to secure a renewal of the Treaty of 1854. Then as to the Fenian claims, he could not agree that it was the duty of the Imperial Government and the Commission because they failed to obtain a recognition of those claims to refuse to carry out to a conclusion negotiations designed to secure the peace and welfare of the Empire. It was above all things necessary that the safety, welfare and prosperity of the Empire should be held in view, and then to arrange those claims between England and Canada, in the manner which was thought most proper. He could not see that the surrender of the claims affected the honor of the country, or that their was anything dishonorable in Canada accepting compensation for them from the Imperial Government. He contrasted the opposition to the Treaty in this House with the opposition in the Imperial House of Commons; pointing out that while the superior minds which composed the latter, placed the welfare of their country and the Empire above all party, the opposition in this House, composed for the most part of hon. members from Ontario, put party first and country afterwards. (Hear, hear.) The objections that had been raised to the Treaty sprung purely from party—no, not party even, but factious considerations. If he were disposed to speak plainly, he would perhaps say something he ought not to say, but what had been fixed upon his mind by what he had heard delivered in this House for political purposes. He could not admit that those who acted in this manner were actuated by patriotic principles. Notwithstanding the veil with which they shrouded their arguments; notwithstanding the specious language in which they clothed their objections to the Treaty, he could observe clearly that there was a power behind them which forced them into a position they would rather not occupy. (Hear, hear.) All their arguments and objections were a rehearsal of what appeared in the columns of the *Toronto Globe*, which was controlled by a man who misconstrued, perverted and falsified the

Mr. O'Connor.

language and provisions of the Treaty, in order to blast, if possible, the character of the First Minister of the Crown in Canada. (Hear, hear.) That line had been followed up by the minions of that paper, not only through the country, but he might be pardoned for saying also by some of them in this House; but notwithstanding all their venom the recollection of the First Minister would be cherished in the country by a grateful people, when perhaps barely a stone would remain to tell who and what the others were, where they died or what their insignificant names were (Hear, hear.) He had no doubt that future generations would see and acknowledge that the formation of this Dominion, the moulding of these Provinces into one compact country, was, to a great extent at any rate, the work of the master hand of the First Minister; that hereafter, when the Dominion became great, glorious and free in every respect, it would be regarded as an enduring memento of that hon. gentleman's genius, labor, honesty and patriotic endeavors, and that the writer of the history would only allude to those who opposed and slandered him in order to condemn their votes and their speeches in this House and the country. (Cheers.)

Mr R. A. HARRISON (West Toronto) said various opinions had been expressed on the matter, but every one appeared to agree that the importance of the Treaty to future of the country could not be overrated. The discussions had taken a very wide range and he thought it would be well to define the question. The Government had introduced the bill and moved the second reading to give effect to certain conditions of the Treaty, leaving the House unfettered to express its opinion on the merits. An amendment had been moved by the member for West Durham, the effect of which was to narrow that freedom of action which there had previously been in the discussion, because it unquestionably contained a censure on the Government. It was a mere party move in the interests of the Opposition, and its object was, if possible, to secure political capital in the coming election. It first embraced a profession of loyalty which always accompanied such attacks, then it alleged a general dissatisfaction with the Treaty throughout the country. This he denied to be the case. (Cheers.) Then it stated that there were just grounds for that dissatisfaction. The hon. member for Sherbrooke had stated that he should vote against the amendment because it was an attack on the Treaty, and he did not see how the gentlemen who proposed

the amendment could afterwards carry the bill. That hon. gentleman, however, did not know as much of the Opposition as those from Ontario did. Those gentlemen got into power simply from their denunciations of the policy of the previous Government with regard to railway grants, and immediately on obtaining office shewed their disapprobation of that policy, by increasing the grants. The hon. member for West Durham, in moving his amendment, no doubt thought he was representing the feeling of the country; but the subsequent debate must have satisfied him that he had calculated without foundation. Fearing this, he backed down, and there was a new amendment to the effect that it was inexpedient further to discuss the bill at the present time. The truth was that it was inexpedient to proceed with the first amendment for fear it should be voted down by an overwhelming majority. He thought, however, that as there seemed to be some likelihood of the Treaty being opened, it was the duty of the House to express their honest convictions so as to influence those who might be called upon to amend some of its provisions. He did not think the Treaty either so good or so bad as it had been represented; but in any case the Canadian Government was not deserving of censure, but he was compelled to admit that the Imperial Government was; and he believed the honour of England had been tarnished. An effort had been made to make the Premier responsible for everything objectionable in the Treaty; but he maintained that he was purely an Imperial Commissioner responsible to the Imperial Government and responsible only to that House in so far as he was acting in unison with the Canadian Government. He knew that the member for Lambton disputed that position, but he would endeavour to illustrate his meaning. The hon. gentleman occupied the position of Treasurer of Ontario, and at the same time he was President of an Insurance Company. These positions were entirely distinct, and though there might be some desire to benefit the latter, yet the hon. gentleman was in no way responsible to the company for what he did as Treasurer. (Laughter.) In the same way he thought it most unfair that the Premier should be held responsible to a House which did not appoint him, and they ought to endeavour to throw the responsibility on the right body. The hon. member for Lambton had referred to the fact that the expenses of the Premier were paid out of the Canadian exchequer. That was a small matter and could not alter the ques-

tion, but he agreed that the expenses ought to have been borne by the Imperial Government, and such not being the case was an instance of the peddling policy of the Manchester School at home, and as he had before stated, if it were possible, he would most heartily join in any movement that would defeat the Gladstone Ministry. Coming to the Treaty, the matters involved were the *Alabama* question, the Fenian Claims, the St. Lawrence and the Fisheries. He believed that the fisheries were of very great value to Canada, both as a matter of present gain and future profit, and he agreed with a statement made in a report of the Government of Canada in 1866, which after mentioning that the annual take of fish amounted to four or five millions of dollars, employing upwards of 20,000 men and boys, observed that "it formed a nursery for hardy seamen which would tend to make British North America the predominant maritime power of the continent." He also agreed with the view that no foreign power could interfere with our fishery rights without our consent. The only right the United States had on our fisheries was under the Treaty of 1818, under which Great Britain gave the Americans the right to fish on certain of our coasts forever, and to dry their nets and cure their fish on certain portions, and the consideration was an absolute renunciation by the United States of any previous liberty to take or dry fish within three miles of any coast or bay. This meant all bays, and the words withing three marine miles could only mean from a line drawn across the bays. Our contention in this respect was not acquiesced in by the United States. Various causes of dispute arose, and from day to day causes of irritation and annoyance arose, likely to be productive of ill-feeling instead of that friendly feeling that all were so anxious to see existing between Great Britain and the United States. He denied that the people of Canada had ever shown an unfavorable feeling to the people of the United States, and regretted that he could not say as much for the people of the United States. What were the facts? In the protection of the fisheries we always acted with great liberality; so much so that our own people complained that they were not properly treated, and during the American war we discharged our international obligations in a way that was an honor to our country and to civilization. We gave up raiders; we prevented raids; and where money was lost by raids from our territory we took the earliest possible opportunity of restoring it. On the other hand the Americans

complained of that Empire of which we were proud to form a part, that it allowed the *Alabama* to escape. But the moment it became known to the Government of England that the vessel was intended for hostile purposes, the Government took measures, though too late, to prevent her escape. The United States made a demand as early as 1865 that England should be liable for the depredations, but the English Government maintained that they had discharged all their obligations with due diligence, and refused even to submit the matter to arbitration; but afterwards for the sake of peace they were found ready and willing to arbitrate. The feeling that arose in the United States was so bitter that the Reciprocity Treaty was put an end to. The people of the United States in doing this thought they would ruin Canada, and would perhaps force her to enter their Union; but the effect was exactly the reverse, for instead of making us cravens it had made us self-reliant; and instead of shutting us out of all channels of trade we had found out new channels; and it had tended more than anything else to consolidate the British American Union, and to make us one people from one ocean to the other. It would of course be beneficial to have reciprocal trade, but he did not believe that we would get that trade by begging for it. Let Canada show to the United States that she could live without her, and though the present financial requirements of the United States made free trade entirely out of the question, the day would come when it would be the interest of both people to have reciprocity in trade. The hon. member for Sherbrooke had said that the true policy of the Government of this country in regard to the fisheries was the licensing system, and had expressed his regret that that system had been abolished. That system was tried and found wanting, and had they continued it they would have been found wanting in their duty and their honor. In 1856 there were 354 licenses issued; in 1867, 281; in 1868, 51; in 1869, 25; and yet hundreds were fishing in our waters without leave or license because the rule and policy of exclusion was forced upon us. He had shown as briefly as possible the anxious desire of the people of Great Britain and Canada for friendly relations with the people of the United States. He had shown their efforts to discharge honestly and faithfully international obligations. He proposed now to look at the other side of the question to see whether they were met in a corresponding spirit by the people of the United States.

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The Fenian question had cropped up again and again and was a sore question, because the people of this country, as a unit, felt that the Imperial Government had not dealt as they ought to have done on that question. He was sorry to hear the Secretary of State for the Provinces use language as a palliation for the crimes of those men. He did not think he intended to do so, and was glad that he had renounced any such language. In 1865, while we were struggling to do all that we could to have a friendly feeling between the two countries, while Great Britain was doing all she could to bring about and continue a good feeling, the Fenian* organization was warmed into life in the United States to attack Canada - a country in no way connected in the disputes existing between England and Ireland. These men were drilled in open day, uniformed and commanded by American officers, and everything was done to bring upon them the influence of the Government of the United States. What did that Government do? Nothing at all; or, if anything at all, it was to encourage them. They were allowed to come to our country in 1866, to land on our soil, to desecrate it by shooting down our young men, some of them leaving widows and children. Young men of our universities, of the highest social standing and promise, were shot down by those so-called citizens of the United States; and General Barry, who endeavored to discharge his obligations of humanity, and to prevent that raid, was rewarded by dismissal. Our Government at that time was not idle. They made remonstrances to the Imperial Government and demanded that reparation should be had, and that security should be guaranteed for the future, and did all that could be done in order that they might have redress for that outrage. All knew from the correspondence in their possession that our Government through England, had brought the question before the United States. There was the *Alabama* question and the Fenian question, the latter involving the friendly relations between Canada and the United States. Great Britain had not insisted, in regard to the Fenian matter, upon proper reparation. She had not pressed our claims for redress for the past and security for the future, as Great Britain used to do in times gone by, when other men were in power. In 1869 England consented to refer to arbitration the questions she had refused so to do in 1865, and how was she met by the United States? The Senate of that country rejected the Clarendon-Johnson Treaty, rejected the advances

of England to secure a continuance of friendly feelings between those two great powers. During all that time they had the use of the Canadian canals on the same terms as the Canadians used them. How were they treated when in an emergency they required to use one of the American canals? The House would remember the *Chicora*, how she was stopped when she attempted to pass through the Sault Ste. Marie canal and the difficult position Canada would have been in had not the *Algoma* had previously gone through; but no man could blame the Canadian Government for the course they had taken. No man could read the correspondence without a manly pride. Never had a colony spoken to the Imperial Government as ours had done, and never before had there been a necessity for a colony speaking as on that occasion. He then quoted from the correspondence, calling attention to the strong language used by the Canadian Government and the mere expressions by the Imperial Government in reply that the United States would do their duty. He could see no allegation in that correspondence that the Imperial Government had demanded reparation for the past, and maintained that any Government using the language that the Government did, did not deserve censure but praise. He then referred to the mission of the Hon. Mr. Campbell to England, and the speech of President Grant of 1870, which he characterized as an election speech, a mere election cry, the meaning of which the gentlemen on the opposite side of the House knew quite well. He thought everyone in Canada had read that speech with indignation. He quoted from the President's message, in which certain rights were claimed for the Americans, and said that the people of England, not understanding the value of election cries, had been effected by this demand, thinking it serious and earnest. It would have been more dignified on their part if they had not opened the negotiations, but left it to the United States, if they desired the privilege, to open the negotiations themselves. He then referred to the Fenian claims, and maintained that in order to remove all complaints and all causes of misunderstanding, they should have been included in the reference to the Commission. The first proposition made by the Imperial Government was to refer to it all questions between the United States and Canada affecting the friendly relations between the two countries. There was a point beyond which if a nation went in its anxiety to secure friendly relations, it

insulted the honour of its people, degraded itself and made itself contemptible in the eyes of the country with which it was treating. Well, the United States, instead of refusing the proposition or attempting to narrow it, proposed to enlarge it. The British Government accepted that, and it was agreed that all questions which had irritated them in the past should be referred to the Commission. He could not imagine that at that time it was the covert intention of the people of the United States to exclude the Fenian claims, and he was certain that if such had been known to be the intention, the Imperial Government would not and dared not have gone on with the negotiations. (Hear, hear.) The anxiety England had displayed to establish friendly relations was shown by the concession she had made with regard to the fisheries. Then as to the St. Lawrence England had always contended that the portion which ran between the Canadian shores was not a common highway; and again with regard to the *Alabama* claims, she had always held that she had done no wrong and could not be held responsible for the escape of that vessel, in which view he thought she was right. Upon both these points, however, she had given way, in order to bring about friendly relations. As to the new rules of maritime law established by the Treaty, he could not but regard them as unsound in the application of the *Alabama* case, for why should the acts of a nation in 1868 be judged by rules framed nine years afterwards? He then passed on to the examination of the instructions of the Commissioners, holding that they had no discretionary powers, that they had to act under the commands of their Government, and that the view taken by the hon. gentlemen opposite would not for a moment prevail. The Commissioners were plenipotentiaries, and for every thing they did, any wrong done in the Treaty, the Imperial Government was alone responsible. Even if the Commissioners should be held responsible, a position which he altogether denied, it would be absurd to hold one of them responsible for the acts of the whole five. There was a remarkable thing to which he wished to draw attention; that the instructions given by the Imperial Government to its Commissioners differed essentially from the instructions given by the United States Government to those who represented it. The Imperial Government had given full power to its Commissioners to discuss all subjects referred to them, all questions the settlement of which was necessary to lead to an understanding between the two countries. The commis-

sions of the United States Commissioners empowered them to meet the British Commissioners and discuss the mode of settlement of the different questions to come before the Commission; but when the Fenian claims were brought up they said that they could not discuss them. There seemed to have been a discriminating power given to the United States Commissioners which the British Commissioners had not. The British Commissioners were to discuss all questions affecting the friendly relations, and the Commissioners of the United States were only to discuss such questions as the Government of that country might bring before them, and we all know the use that had been made of that. He referred to the despatch of the 16th February, 1871, from Lord Kimberley, as to the desire of England to concede a great many points in order to secure those friendly relations. In that despatch it was stated that although American fishermen could be excluded from resorting Canadian ports under the Treaty of 1818, except for certain purposes, yet Her Majesty's Government felt bound to state that it was an extreme measure, inconsistent with the policy of the Empire, and they were disposed to concede the point to the United States. They had thus characterized the right they had to insist upon the terms of England's bargain for the protection of her own territory, as an extreme measure, and they had expressed a willingness that the matter should be discussed and decided. He did not understand that any objection had been made by hon. gentlemen opposite to the composition of the English Commission or to the want of ability on the part of any of the Commissioners. He alluded to the events of last session, when the resolutions of the hon. member for Sherbrooke were under discussion, when no question of that kind was raised. On that occasion the hon. member for West Durham had stated that nothing should be said or done which might embarrass our representative; so that the House not only apparently approved the appointment of the Commission, but allowed the Premier to go without limitation of any kind upon his actions. He did not know whether the Commissioners had read each others commissions or not; probably they believed that they met on equal terms; but he contended that they did not meet on equal terms. While the Commissioners of Great Britain were there to settle all questions, the Commissioners of the United States were there to settle all questions referred to them by their Gover-

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ment. Besides that, there was this point: that while the Treaty would be binding on the Government of England, there was the necessity for the approval of the United States Senate in order to make it binding on the United States. Meeting on those terms it was not surprising that there should have arisen disagreement before they went very far. In the *Alabama* question he thought we were as much interested as any portion of the Empire, if not more so than the British Isles themselves. He found that England, who in the first instance had refused to leave to arbitration the question of due diligence, that England who had always maintained that she had used due diligence, had commenced proceedings with an expression of regret for the escape of the *Alabama*. Perhaps there was not much in that, because Earl Russell had stated again and again his regret for the escape of the *Alabama*; but why should it be brought out so prominently in the Treaty? The people of the United States, through their Commissioners, had looked upon this expression of regret as very satisfactory, as a token of kindness; and they had shown their appreciation of that by endeavouring to get enormous damages for consequential injuries. Some hon. gentleman had said that they would be glad if, in consequence of the complications on that point, the whole matter fell through. He would be better pleased if they agreed to wipe out the whole thing—to clean the slate and begin again. He did not think there was any fear of war. He thought that after the experience we had had of Commissioners met together, all matters could be settled, and in a more satisfactory manner than by the Treaty as it now stands. (Hear, hear.) The attempt of the United States to force upon England those exclusive indirect damages, was a proof that they took all they could get, and were anxious to get a great deal more, desirous all the while of gaining every point, and apparently conceding none. He considered that the *ex post facto* agreement which he had before alluded to was very objectionable. During the war between Prussia and France, arms were exported from Great Britain to France. They were exported as articles of commerce. Prussia found fault, but Great Britain contended that she had a perfect right to sell those arms, that there was nothing in international law to prevent that, and therefore she refused to admit that she had done wrong. Supposing a difficulty were to arise between Prussia and England, and England were to say it was true that when she sold those arms, ac-

cording to our views of international law, there was nothing wrong; however, we now admit that it was contrary to the rules as now laid down, and we will have our conduct of 1870 judged by the rules of 1872. He thought the principle was vicious, and that under it the weaker power had to submit to the stronger. He did not admit that England was a weak power, but he contended that she had acted in this matter under weak counsels. Some people had argued that we had gained a great deal by the establishment of this rule of "due diligence," that it would prevent Fenian raids in future; but he did not think that it applied to Fenian raids at all. It was restricted entirely to the escape of vessels. It said nothing as to the escape of men. We were not to be consoled with the idea that this *ex post facto* agreement imposed the obligation of the United States to prevent Fenian raids. It was not calculated by its language to do anything of the kind. When the United States Commissioners refused to include the Fenian claims in the subjects for discussion, he thought it would have been better for England to have broken off the negotiations. A Government that was not willing to concede a thing so plain, while they were pressing the *Alabama* claims, could not be expected to do otherwise than take advantage of us in the other questions. He did not think that all the other questions would have remained unsettled if the Fenian claims had been pressed. On the contrary, he thought that all would have been settled, and it would have been better for the British Commissioners, one and all, to have taken the stand that, according to the principles of international law, it was clear that those claims must be taken into account. If that course had been taken, there would not have been the difficulty that had since arisen about the omission of the Fenian claims. Then the British Commissioners said that under the circumstances they would not further urge a settlement of those claims. He argued that the *Alabama* and Fenian claims were in part alike, there being in each case direct and consequential damages, and one rule should have guided both cases.

It being six o'clock the House rose.

AFTER RECESS.

Mr. HARRISON continued — Before recess he had criticised the portions of the Treaty relating to the *Alabama* claims and the sacrifices made by Great Britain. It might be said that those sacrifices were sentimental only, but in all probability there might be material sacrifices. He did

not, however, wish to be understood as harshly judging the Mother Country; for it must be borne in mind that the sacrifices were prompted in a great measure by consideration for Canada, which would be the battle ground in the event of war, and if there had been sacrifices Canada could not complain because she had not been called upon to contribute. But there was some omission of which Canada had a right to complain—the withdrawal of the Fenian claims. The Imperial Government expressed the hope that the United States would observe their international obligations, but that was fruitless. The raids of 1866, 1870 and 1871 were all led by the same man, who received no punishment, or very slight. The proposition made by the Postmaster-General was that the Imperial Government should insist on reparation by the United States, or that she would herself assist us to bear the burden. That Government withdrew the claims, but it was not settled forever; it still remained open between England and the United States, and in the event of further negotiations he hoped that the claims would be pushed. He referred to the speeches of Lord Granville and Mr. Gladstone, showing that the claim was still valid as between England and the United States. Great Britain, however, agreed to bear a portion of our burden, and she had done it in a most liberal way; for while the ratepayers of England had nothing to pay, the guarantee was of none the less service to Canada, for it not only saved a very large amount in itself, but would enable Canada to float the whole loan at a much cheaper rate than she otherwise could. In addition to this, there was a moral as well as a material support. The Government was formerly blamed for not sending in their claim and now they were blamed by the very same men for obtaining compensation for that claim. No doubt it would have been more satisfactory if we could have had some apology from the United States, and some assurance for the future, but that could only come through England, and England had decided not to press the matter at present. He maintained that the Canadian Government had done everything they could in the matter. It might be said that there was no guarantee for the future; but it was only the English Government that was in a moribund state, and he believed the heart of the British people was still in the right place, and that Canada would never have to ask for protection in vain. If gentlemen opposite thought that there was no protection in the British flag, of course their only alternative was to seek it in

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some other flag. They could have the Stars and Stripes, (no, no,) or the flag of Independence, (no, no) or the flag of the great Liberal party of Ontario. (Laughter.) Under the latter flag they could have plenty of mottoes; they could have "No Popery," "No Separate Schools," "No Orangemen," "No Coalitions," "No Government but a Grit Government," "No enlargement of our canals." (Laughter.) He recognized, however, the objection that it was the Dominion not the Ontario Government that was concerned in the present matter. A vote of censure was proposed on the Dominion Government. What was that Government? It was the Government that made Canada what she is to day. It was the Party of Progress. It had done more in five years than perhaps any other party had done in fifty. (Cheers.) The Party in opposition had opposed everything the Government attempted, and the one being the party of progress, the other must be the party of obstruction, for the greater part of what had been accomplished since Confederation had been accomplished in spite of the hon. gentlemen opposite. To refer to the navigation of the St. Lawrence, the only question was where it ceased to be a boundary between the two countries. The United States had always contended that the river should be a highway from its source to its mouth; and any one looking at the map must be impressed with the thought that nature intended it to be the great highway of the West. He would have been better satisfied if the navigation had been ceded without any question of equivalents, for it could then have been used as a precedent in other cases which could not be done now. As to the rivers Yukon, Porcupine and Stikine, they knew nothing about them. He considered the St. Lawrence their Jordan, and knew nothing of the rivers of Damascus. Reference, however, was made to the Treaty of 1825, by which Canada seemed to have as much right to those rivers as she would under the present Treaty. He could not quite agree with the member for Peel that the cession of Alaska by Russia destroyed all the previous Treaty rights. England had, however, always contended that the war between the two countries put an end to the existing Treaties, and in that principle the war between Great Britain and Russia must have ended the rights under the Treaty of 1825.

Hon. Mr. MACKENZIE—What about the Treaty of Paris?

Mr. HARRISON—The rights might have been renewed under that Treaty.

Hon. J. H. CAMERON—They were not renewed under the Treaty of Paris, but under the Treaty of 1859.

Mr. HARRISON said that in any case it was not a matter of consequence, for the use of those rivers was not an equivalent for the use of the St. Lawrence. There were, however, other equivalents. There was the navigation of Lake Michigan for a number of years; there was the boundary system; there was the relaxation of the navigation laws, which was a most important concession. These privileges were, however, subjected to two checks; the first the use of our canals, the second the export duty on timber. This matter had been dealt with by the Imperial Government and the Canadian Government had nothing whatever to do with it. As to the use of the canals, Canada would derive great good from their being used by the Americans, as the revenue would be greatly increased. He would now come to the Fishery clauses. The 18th gave the Americans liberty to fish in the disputed limits. The 19th gave Canada the right to fish in American waters; and the 22nd provided for the payment of any difference in value. It had been objected that these were not fair, but he could see nothing that was not perfectly fair and just. But there was another privilege. The 21st clause provided that fish and fish-oil should be admitted into both countries free. Of course it would have been better if the reciprocity had gone further, and included coal and salt. Referring to the statement that the Premier made, that the action of the House last year prevented that reciprocity, he maintained that if there was any blame it must be shared by the Government, for they were in daily communication with the Premier, and ought to have stated the consequences to the House. He believed that the benefits the Maritime Provinces would derive were very considerable, and he had no doubt they would be well able to compete with American fishermen, and their satisfaction with the matter was proved by the absence of opposition expressed by the members from those Provinces. As to a surrender of territorial rights, there was no more surrender than there was in the Treaty of 1818, or in the Reciprocity Treaty. The privilege was only for twelve years, and at the end of that time, if Canada continued to make the progress she had made during the past five years, she would be a power more worthy of respect and would be ready and willing at any time to bear her portion of the responsibility of the Empire. If the people of the Maritime Provinces were satisfied with

these clauses, why should those from Ontario object? Further, they must not overlook the collateral advantages, the bonding system and the relaxation of the navigation laws. If it was the policy of the Empire that the Treaty should be adopted, Canada, as a part of the Empire, must adopt it. He would have been better pleased to see it amended or entirely changed, but so long as it was the policy of the Imperial Government, it would be very unbecoming for Canada to resist it. Canada made no sacrifices, but even if she had to do so, it would be her duty to do it under the circumstances. What value would the fisheries be without the protection of the Imperial authorities? None at all. Canada would be unable to hold them and she could not expect Imperial protection if she flew in the face of the Imperial policy and raised a question likely to cause a rupture between England and another power. There was no reason why nations like men, should not settle disputes by the rules of reason, and he trusted that the Treaty would be a precedent for the future, not only to the two nations concerned, but also to the nations of the world. They had a large part of the continent in their charge and invited immigrants from all parts of the world. They offered them lands, the giving away of which did not impoverish them while it enriched those who received them. They would live in the country and bring with them much additional wealth. What was true of the United States was true of this country. We wanted immigrants, but they would not come unless there was some guarantee of peace; war would drive them away. It was our policy and our interest to have peace, and he looked upon the Treaty as a happy omen of the reign of peace. For this reason he intended to vote against the amendments of the hon. gentlemen opposite and for the second reading of the bill (Cheers) Before closing he would like to say a word about the attacks that had been made upon the leader of the Government. He was sorry that that hon. gentleman had replied to those attacks at all; but he felt that, after all, the hon. gentleman would have been more than human if he could have avoided alluding to the bitter charge that had been made against him for many months past. If there was one man who was above seeking popularity, if there was one man more than another to whom we were indebted for Confederation, if there was one man more than another who had laboured for the success and prosperity of the Dominion, through good repute and ill repute, Sir John Macdonald was the man, and it was only party preju-

dice that made his assailants blind to his merits, and caused them to abuse him as they did. (Cheers.) Two years ago when he lay ill at Death's door, the feeling of the whole country was aroused. His threatened death was regarded as a national calamity, and when he finally recovered the feeling of gladness and gratitude was almost universal. (Cheers.) He (Mr. Harrison) was not going to catalogue the virtues of the Government, but in other respects there was an aptness which in the interest of the country ought perhaps to be made eternal. Our finances were well managed, our militia, our public works and all the other departments of the Administration were well managed. The result was general prosperity. The whole country was blossoming like a rose, and the people were satisfied because the right men were at the head of affairs. He admitted the necessity and usefulness of an Opposition, and their right to criticise every Executive, but they had no right to borrow from the criminal vocabulary, to put up jobs and make base charges and assertions when there was no ground for them. All the gentlemen on the Treasury benches were, he believed, well qualified for their positions, and he thought that the interests of the country would be best served by keeping them there. (Cheers.)

Mr. M. C. CAMERON (Huron) did not agree with the argument of the hon. member for West Toronto, in denouncing the conduct of the British Government. He conceded, however, with his hon. friend that every possible exertion had not been made in pressing our rights. He referred to the withdrawal by the British Commissioners, at the request of the American Commissioners, of the negotiations for obtaining the coasting trade of United States, the registration of vessels and other matters, all of which, he said, were withdrawn upon the Americans declining to entertain them. The question was not whether the Minister of Justice acted on the commission as representing Canada or the Imperial authorities, the question was whether they would accept or reject the Treaty. He protested against the repeated assertions that opposition to the Treaty all came from Ontario, and alluded to the speech of the member for Inverness, Nova Scotia. That gentleman had been interested in the fisheries for years, but was opposed to the Treaty. If there was likely to be any misunderstanding as to the interpretation of the Treaty he thought that the House should be informed of it. He quoted from an English paper to show that the English people doubted the good expressions of the United States unless they were sup-

ported by substantial documentary proof. He was of opinion that the American Commissioners had obtained an advantage over the British Commissioners in dealing with the tariff last year, and generally reviewed the discussions of the Canadian Parliament on that subject during last Session. He looked upon the free admission of the Americans to our fisheries for the term of twelve years as a practical cession of them by Canada for ever. He characterized the Treaty as having been framed in a careless manner, and felt sure that it would lead to further complications. He admitted that England had done a good deal for Canada, but in all cases where she had given any guarantee it was on stipulated conditions, and cited the Intercolonial loan as an instance, and while they should accede as far as possible to the demand of England they ought not to forget that they have neighbours who are not to be trusted on all occasions. In his opinion the more the Americans get, the more they want; and he quoted from the *New York Tribune* and other American papers to show that they looked upon the Treaty as a step towards the annexation of Canada. He thought that the Treaty was indefensible on its merits, and could only be argued for apologetically. He read an extract from the *Toronto Mail*, which he characterized as the special organ of the Government, but which, in his opinion, concurred in the views expressed by the member for Sherbrooke a few evenings previously. He thought that no party should be so proud of their leaders as the gentlemen on the opposite side of the House; but he regretted the tone of the remarks of that hon. gentleman during the debate in denouncing all who did not accept the Treaty. He would support the amendment of the member for South Oxford; and, if that should fail, would vote for the amendment of the member for West Durham, or any other motion the object of which would be to defeat the Treaty.

Hon. Dr. TUPPER could not but feel that he would ill discharge his duty if, upon so momentuous a question, he did not give to the House the views he entertained. The hon. gentleman who had just taken his seat stated that his constituents were stongly opposed to the Treaty, but he (Dr. Tupper) thought that both the House and the country should not look upon the great question under discussion from a party point of view. If there ever had been a question submitted to the Parliament and people of Canada which ought, from its very character and nature, to have elevated the statesmen of all parties and classes from mere low, gro-

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velling or party grounds, it was the question under discussion. It was not a question of party in Canada any more than it was in England. What was the case there? A member of the late cabinet had been invited by the Government of the day to give his assistance and co-operation in reference to the Treaty, and he had given his services as freely and unreservedly as if he had been called upon by the Government of which he was a member. When the Treaty was submitted to Parliament, great as were the opportunities for the Opposition to deal with it, they forgot what was due to party, looking only to what was due to their common country. Reading the proceedings which had taken place in the Imperial Parliament, what did they find? A common sentiment of joy and satisfaction pervaded both sides of the House, on the announcement by the Premier that the cloud which overshadowed these proceedings was to be dispelled. Not that gentlemen on both sides of the House in the Imperial Parliament regarded with the same favor the general features of the Treaty, but because men of all parties felt that whether it was perfect or imperfect, there were general leading features in it which commend it to the candid consideration of all men. It was only a few years ago that the great country lying against Canada was engaged in a deadly struggle. The South had risen and the North was prepared, at any sacrifice of blood and money, to preserve the Union intact; and when engaged in that deadly struggle, it became known that cruisers were being built in Great Britain to take part in it. Representations were made to the Imperial Government, and they put forth their hands to prevent the departure of those vessels. Subsequently, however, the *Alabama* escaped, and in order to avoid the possibility of further difficulty, they themselves purchased the other vessels. Was it wonderful that this omission on the part of Great Britain should have excited a people, who had felt that their struggle had been increased in its intensity, and should cause them to demand redress from a Government, whose want of vigour and effect had exposed them to so great and increased danger? Nor could England turn a deaf ear to a demand for reparation made by forty millions of people, lying alongside of Canada. At the time the Johnson-Lunden Treaty was rejected, the United States took the attitude that they would not ask for a re-opening of the negotiations in this matter; which meant that they had an undoubted claim, and intend-

ed to hold it back until circumstances best suited their presenting it against England; that they would treasure all their wrath against a day of wrath, that when England was engaged in some Continental struggle the United States would find their opportunity of enforcing what they considered their just claims against England. That view, and a knowledge of the fact that England had a weak point on this continent, had undoubtedly influenced the Imperial Government in endeavouring to bring the question to a final and amicable settlement. Great and important as the Treaty was to the British Empire at large, it was far more so to Canada; and he believed it was not alone important to England or Canada. He looked upon it as a gigantic stride in the progress of civilization. England having admitted, as she did admit, that she had a duty to perform in reference to these cruisers, she was not humiliated by the expression of regret which formed a part of the Treaty. He thought that England would be amply repaid for any cost or trouble she had been put to in the settlement of these questions, by the establishment of that new principle of international law which is to govern such matters in the future. It had been said that there was humiliation. If there was humiliation on one side, there was the same on the other. He had said that Canada had no small interest in this matter. He would not repeat the elaborate argument that had been used by the First Minister, showing the great value of this Treaty to us; but we must look at our position. While Canada was united with England, he believed that we could defend ourselves against any power that would be brought against us; but, when we looked at the great strength of the country near us and that while England could bring all her great naval power to bear, knew she would come out of the struggle without discredit, everybody knew that we would not be able to live out such a struggle, except with the same gory fields that had destroyed France; and it would ill become Canada, regarded as she was by England as a vulnerable point, at such a time, to raise our hands and say, "We think you have humiliated and disgraced yourselves, and we will be no party to this Treaty which you have made." But it was not only a question of peace or war. Everybody knew that no country in the world had a deeper interest than Canada had in the relations between England and the United States; everybody knew that a mere cloud of war between those nations would strike a fatal blow at our credit, that would stop that bright career of prosperity which we now

enjoyed. He would now refer to the point more immediately under consideration—the fishery articles of the Treaty. The Treaty provided that that portion of it which dealt with the property of Canada should receive the sanction of the Canadian Parliament. There could be no question that we were offered the free and unrestricted right to decide on the question. There could be no question that England, while she had exhibited the deepest anxiety in this matter, while she had shown for long years the greatest anxiety and the greatest apprehension in relation to anything that could involve us in trouble with the United States; it was at the same time—as had been stated from the Throne itself, and from the independent benches of both Houses of Parliament—beyond doubt that Canada had the full and unrestricted right to decide for herself in the matter. But was the fact that no pressure had been brought to bear upon us to prevent us from giving that consideration to the question which the interests of the Empire required—was that a reason why we should treat with contempt and indifference the great and vital interest that England had in the decision at which we arrived? While we came to the consideration of this question in a free and unrestricted manner, he had no hesitation in saying that the man who wished to preserve the connection between the Crown and this country, who valued the inestimable privilege we enjoyed, should come to the consideration of this question, feeling that, although we had the choice in our own hands, it could not be approached without the conviction that every word that was uttered in this House that was calculated to irritate and annoy the English Government would tend to lessen or to shake the tie upon which our future greatness and prosperity depended. (Hear, hear.) We should not forget that this question of the fisheries for fifty long years had been a constant source of irritation to England. From the war of 1812—which did away with the former Treaty,—from that time to the present there had been constant difficulties and annoyances in relation to this question. They had not only been a subject of controversy, but that controversy had drawn us into the very verge of war. He asked the House if, under these circumstances, when we were only small, disjointed and weak Provinces, England threw her mighty arm over us, and our property, and gave us her protection—he would ask if that formed no claim to consideration, when she was prepared to ask us to accept a proposal that she believed

was the best consideration she could obtain for our fisheries? He would not follow fully the various arguments that had been used on both sides of the House. He was satisfied that the House and the country could not be more convinced of the soundness of the position of the Government in asking Parliament to ratify the Treaty than by the able and exhaustive speech of the First Minister. Notwithstanding the efforts—able of course—but labored efforts of hon. gentlemen opposite to criticise that speech, he considered that they had been fully replied to, and he would not go into them at any length. He would refer to one point however. It had been said that his hon. friend the First Minister had thrown a doubt over our position in relation to the fisheries. He had no hesitation in saying, and no one had followed that hon. gentleman's remarks more closely than he had, that he had been entirely misrepresented. It would be impossible without the greatest perversion of language to draw such a conclusion from his remarks. He (Sir John) had said that pretensions had been set up by American jurists of no mean standing, whose opinions had received a certain amount of consideration from the press of the United States; but he had not uttered at any time a single sentence that would lead to the belief that he doubted the entire sovereignty of this country over the inshore fisheries. But everybody acknowledged that the Government of the United States had now admitted our rights in a fuller degree than they had ever done before, not only by their offer to admit the products of our fisheries into their markets free, in consideration of these fisheries, but by their leaving it to an independent arbitration to say how much they should pay in addition for such privilege. Whatever question of doubt, therefore, might have been raised, had now been set aside. It had been alleged that we were ceding territorial rights for a money consideration. There never was a more unworthy attack made to influence the minds of the people of this country than the attempt made to show that this was a question of ceding territorial rights for money. He would refer to the State papers which had been brought down to show the position the Government had taken on this question, and which the hon. gentlemen opposite had signified their approval of. It had been called a "capitulation," but the same page of the Treaty which gave to the people of the United States the right to enjoy the inshore fisheries, contained a concession of precisely the same character

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on the part of the people of the United States, and they had ceded their territory to us as much as we had to them. What strengthened his confidence in the wisdom of the course pursued by the Government was the entire absence of argument in the speeches of the hon. gentlemen opposite. In all they had said upon this subject they had not addressed themselves to such arguments as sensible men would have urged in grave matters of international policy; but had resorted to quibbles of a character so contemptible as to be altogether unworthy of the attention of an intelligent deliberative assembly. (Hear, hear.) He would not attempt to follow them by exposing the absurdity of those quibbles, nor to imitate the hon. member for Peel who, in his eloquent address, which had so charmed the House, let a flood of daylight into the sophistries of the hon. member for West Durham, and thoroughly established his fallacy. Nobody who had listened to that hon. gentleman could fail to see, as his argument proceeded so logically from point to point, that that which had been presented to the House by hon. gentlemen opposite as an astounding discovery, proved to be nothing more than the most idle vaporing, entirely unworthy of the consideration of the House. They had spoken of the article of Treaty affecting the navigation of the St. Lawrence, as something like a mighty surrender of the river. Well, what did that surrender amount to? What was Canada really parting with? What did the House understand as to that point, after all the laboured efforts that had been made to prove that the St. Lawrence ought not to be surrendered? Did not hon. gentlemen opposite know that as long ago as 1826 the United States had demanded the right to navigate the river; that they had put forth this claim not in the shape of a privilege which they were asking, not as a concession which should be granted to them, but as a right to which they were entitled; and when it was refused by England as a right, as hon. gentlemen would see, it had been refused, by referring to the State papers on the subject, the United States declined to accept it as a concession? In what position were they now? Were they any better than before? The concession, if concession it could be called, had been made; but they had been compelled to acknowledge, by giving reciprocal privileges to Canadians, that they had not a right to the St. Lawrence. Hon. gentlemen opposite said that what the Americans conceded was of no advantage, because there

was no value to Canada in the navigation of the rivers of Alaska, and that it was conferred in any case by the old Treaty with Russia. But he held that, if that Treaty was still binding a hundred times over, the article in this Treaty was, nevertheless, of substantial value, because it coupled with the right to navigate the St. Lawrence the right also to navigate the rivers of the Territory of Alaska. It thus showed, and would always continue to show, proof of the fact that what the United States asked from Canada on the one hand, they were obliged on the same paper to give to Canada with the other. If it was then yielding a privilege to admit them to the free navigation of the St. Lawrence, they were committed to the same policy by giving us the same right in regard to the rivers he had mentioned. These were the quibbles with which the House was entertained in the absence of all argument on the part of the hon. gentleman opposite, in reference to this important question. (Hear, hear.) It had been stated by the hon. member for Peel, in the course of his speech, that the Treaty of 1871 conceded less to the United States than the Reciprocity Treaty of 1854. He (Dr. Tupper) dared say that this had taken many by surprise; but the hon. gentleman had good reasons for saying what he did. Hon. gentlemen opposite had said that the right to navigate the St. Lawrence was the only lever, or one of the principal levers we had, in order to effect reciprocity; but whatever lever we had for application in that direction was not in the use of the river itself in its natural state, but in the use of the canals which rendered the navigation practical. Well, it was to be observed that the canals which the Treaty of 1856 had given up to the use of Americans were preserved by the Treaty of 1871, to be used by the Canadian Government and people as a lever for obtaining Reciprocity at such time and in such a manner in future as might be considered advisable. (Hear, hear.) He would now come to the question of the fisheries, that other lever which was to be used in conjunction with the St. Lawrence to obtain a Reciprocity Treaty, and he would ask those gentlemen who talked so lightly about this question, if they quite understood what the free entry of fish and fish oil into American markets meant? If anything could enlighten the House upon that point it was the intelligent and interesting argument which was presented to the House last night by the hon. member for the county of Halifax. That hon. gentleman had imparted an amount of information upon the subject which the House had listened for in vain

from other hon. members, and he had been able to do so for this reason: that there was not a man in the House, he (Dr. Tupper) was bold enough to say even in the presence of active and enterprising members who more particularly represented the fishing interests in the Province of Quebec—there was not perhaps a man in the whole of Canada who was better acquainted with the question, or who was a higher authority in every thing that related to it, than that hon. gentleman who had made a colossal fortune out of the fisheries. He stood in the position of a man who had devoted his whole life to enterprises connected with the fisheries of the Maritime Provinces, who had given them his most careful study and attention, and who had become possessed of every information concerning them. When he, therefore, told the House that the Treaty, instead of being a sale and betrayal of our fishery rights, was a measure which would enrich the fishermen of the country, promote its prosperity, and increase its happiness in every way, he (Dr. Tupper) would place that statement against the random assertions of hon. gentlemen opposite. (Hear, hear.) It was indeed a more convincing argument that the right step had been taken than anything that was in his (Dr. Tupper's) power to say. Hon. gentlemen opposite affected to treat this matter of the free entry of fish and fish oil into the United States as insignificant, and dealt with it as if it amounted to nothing in considering the advantages and disadvantages of the Treaty. But what were the facts! Why, that the fishermen of the small Province of Nova Scotia, with a population of about 350,000 altogether, had been compelled in consequence of the duties levied upon their fish in the only market which was available for them, to remit last year to the United States by way of duty, no less than the sum of between \$500,000 and \$600,000. (Hear, hear.) The removal of the duty would give relief to that extent to the fishermen of Nova Scotia, and that was the mode in which the fisheries had been "sold," as the fresh water gentlemen on the other side of the House were inclined to view it. (Laughter.) Well, how had they been "sold," and how had the cry upon that point arisen? Everybody knew that the member for West Durham had sounded a note of alarm last year, and endeavoured to agitate the people of this country in regard to the Treaty, and he (Dr. Tupper,) would have a word to say as to the time and manner in which this work of agitation had been commenced and carried on. The hon. member for Lambton had repudiated a

statement that had been made by the First Minister, in which it was charged that hon. gentlemen opposite had followed in the wake of the *Toronto Globe* in opposing the Treaty; that, instead of having opinions of their own upon so great and important a subject, there was a power behind them which marked the course they should pursue; that they were unable to resist this influence, and that, if it were not for its imperious exercise, they would not be found in opposition to the Treaty to-day. The hon. member for West Durham had adopted the same line in relation to that statement; but what were the facts? Let him (Dr. Tupper) examine them for a moment, for they were of the deepest possible significance. The hon. member for West Durham had declared that the Opposition was prepared to pursue a patriotic course in relation to this question, and that it would have come to the support of the First Minister, if he had refused to carry out a negotiation which was injurious in its effects to the interests of this country. That statement sounded very well, and he (Dr. Tupper) had no doubt from the sincerity of tone in which it was made that the hon. gentleman had brought himself to believe that such would have been his course in the House if the First Minister had acted in that way. He thought, however, that the history of the case would scarcely bare out that assertion. On looking into that history what did they find had happened? In the month of May the *Globe* newspaper published a statement that the Treaty had been signed, and on the 13th it published the Treaty *in extenso*, together with an editorial, which contained the patriotic and significant remark "that the whole question was now before the country," and that it "trusted it would be discussed in a manner free from partisan bias, and worthy of its great importance." He did not pretend to quote the exact language employed, but he did not overstate its nature when he said that it was in a high degree patriotic. Soon, however, the *Globe*, with far-seeing eyes, discovered clouds on the horizon, first in one direction and then in another. An election was pending in Nova Scotia, and the party there which was opposed to the Dominion Government was taking ground against the Treaty. The Legislature of New Brunswick was in session at the same time, and on the first flush of the moment, without waiting for full information on the question, it came to a hasty and very strong decision, condemning in advance the provisions of the Treaty. That took place on the 18th, and on the following day, the 19th, the *Globe's* patriotic

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tic aspirations in reference to the mode in which the question should be approached and dealt with were scattered to the winds; and then came out an article of a column in length, in which the most fiery denunciations possible were showered on the Treaty. Up to that time the hon. members for Lambton and West Durham had been silent on the subject.

Hon. Mr. MACKENZIE—No.

Hon. Dr. TUPPER, insisted that it was so; and that, if the hon. gentleman examined the papers in the library, he would find that the statement was borne out by the record. The speech of the hon. member for West Durham, in which he announced his opposition to the same Treaty, was delivered on the night of the same day that the *Globe* came out in its denunciation. He thought that was the true account of the matter, and if it was the case—

Hon. Mr. MACKENZIE—No; it is not the case.

Hon. Dr. TUPPER—If that was the case, the hon. gentleman did not deserve much credit for patriotism, either in treating the question in the first place, or for their proffer of support to the Government, provided a different course had been pursued. (Hear, hear.) The hon. member for West Durham had said that, as the Government had expressed its disapproval of the Treaty, it might rely upon their support. He (Dr. Tupper) thought there was room for very grave doubts on that point; for when his colleague, the Minister of Public Works, went down to Quebec, and in a public speech there stated that the Government had protested against the Treaty, what had happened? If there was any sincerity in the statement of the hon. member for West Durham, if he and the *Globe*—that great organ of the opinions of hon. gentlemen opposite—felt anxious, as was pretended, to strengthen the hands of the Government in resisting this great injustice to the country, what would they have said as soon as the announcement of the Minister of Public Works was made? They would have said, "Thank God the country is saved. We found that the Government was committed to the Treaty, but now we are glad to find that it is free and untrammelled, with perfect liberty to deal with it as in the interests of the country may be deemed best." Was that what they said? No, far from it; but the hon. gentleman went back to his newspaper, and the moment it was found that, to a certain extent, the hands of the Government were tied, and that it would not announce itself as opposed to the ratification of the Treaty, a

column of violent abuse appeared, in which the Government was assailed for pursuing what was called a "vacillating course" in relation to the question. (Cheers.) Instead of treating it as a cause for congratulation by the country that the Government was protesting against Canada being compelled to make concessions without what was considered a just equivalent, the hon. gentlemen opposite showed their animus against the Ministry, and proved that it was not so much the rejection of the Treaty as the opportunity to use it, as they had used everything else that had come to their hands, however gigantic might be the interests affected, and however deeply these interests underlaid the safety and welfare of the union, and the prosperity of this Dominion. They wanted to employ it as an engine for accomplishing their own political purposes, irrespective altogether of the good of the country; and they played fast and loose with the question, dealing with it not as it would serve the interests of the people of the Dominion, but as it would give them the chance of aiming a deadly blow at those to whom the administration of affairs of this country was committed. (Cheers.) The hon. member for West Durham had said, in relation to the fisheries, that their value was about seven millions. He (Dr. Tupper) would ask the House to examine with him for a moment whether their value had been lessened or increased by anything contained in the Treaty. He admitted, indeed he had no hesitation in saying that, when the Treaty first appeared there was a feeling of disappointment among the people of the country which was shared in also by the Government, because there was not a renewal of the reciprocal arrangements of the Treaty of 1854. Every body knew that that Treaty had been beneficial to this country; and that, in a still higher degree it had been beneficial to the people of the United States; and there was a general desire that there should be a renewal of arrangements that had proved so materially advantageous. When the Treaty of last year was first published, then, it undoubtedly excited a good deal of disappointment in that respect. What were the reasons that had caused this failure to obtain what so many in both countries thought desirable? It seemed to be forgotten to a great extent by the press and the people in discussing the question, that, between 1854 and 1872, a great change had taken place in the relative commercial positions of the two countries. Everybody knew that the right of the Americans to fish in our waters, granted in '54, was at that time an

extremely valuable concession, an enormous one, indeed, which had greatly increased the prosperity of the American fishing trade, there being then no duty to lessen the competition of fishermen of the Maritime Provinces. But what was the case now? Was not everybody aware that it was entirely different? Why, upon the terms on which the right was granted—the condition that the duty on fish should be removed, and Canadians admitted on an equal footing to the American market—where were the fishermen of the United States? Was it not known that they were almost in a state of overt rebellion? The hon. gentleman had asked for proof that they were opposed to the Treaty. Well, the proof, there was plenty of it, was to the fore. Public meetings had been held in Boston, as well as throughout the fishing districts, at which Congress had been memorialized to prevent this injury from being done to the American fishing interest. It had then also been placed on record that the Treaty struck a fatal blow at that interest, inasmuch as, while in 1855 American fishermen were able to compete with Canadians, because they had no high taxes to pay, and the cost of outfit was much less than at present, the war and the burdens it had left behind had so changed the position in relation to this question, that every Canadian fisherman, who had the fish in the sea at his own door, with the other advantages of cheap vessels and cheap equipment, if he belonged, as no one doubted, to the same courageous and adventurous class as the Americans, entered into the competition with an advantage of 40 or 50 per cent. in his favor. (Hear, hear.) That was the ground the Americans had taken, who were most concerned in this interest; and he (Dr. Tupper) would ask if there was a man in this House, no matter from what Province he might be, whether from Ontario or Quebec, Nova Scotia or New Brunswick, who would say that the Canadian fisherman was deserving of any consideration, if he was not able with that premium in his favor to meet the competition not only of the United States, but of the world? (Hear, hear.) Why then, instead of the Treaty surrendering our fishermen and fisheries to the destructive competition of the foreigner, the result would be—and mark his words, the fact would soon show it—that the American fishermen who employ their industry in the waters of Canada would become like the American lumbermen who engaged in that trade in the valley of the Ottawa; they would settle upon the Canadian soil, bringing

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with them their character for enterprise and energy—and splendid industrious men they were—would become equally good subjects of Her Majesty, would give this country the benefit of their talents and their enterprise, would infuse some of their indomitable spirit into our people. (Cheers.) Was there anybody who could doubt as to the effect of removing the duty which was now levied of two dollars per barrel for mackerel and one dollar for herrings; of taking off this enormous bounty in favor of the American fishermen, and leaving our fishermen free and unrestricted access to the best market for them in the world? Was there any one to doubt that the practical result would be to leave the Canadians, in a very short time, almost without any competition at all? And yet, hon. gentlemen opposite pretended to believe that the Act which would produce such a state of things as that was a surrender, a “base surrender” if the House pleased, of our rights in the fisheries of this country. The newspaper press of Canada, and especially the press representing hon. gentlemen opposite, had for a long time held out the idea that Parliament and the Government must protect the poor struggling and industrious fishermen of Nova Scotia and the other provinces against the operation of this Treaty, which, it was held, would be ruinous to them in every way. Gradually, however, light began to break in upon them, until at last they discovered this extraordinary fact, that while the clauses of this Treaty which related to Canada were held by every intelligent fisherman to be a mighty boon, as something which would take the taxes off them and relieve them from hundreds of thousands of dollars tribute that they were now compelled to pay to a foreign nation, the fishermen of the United States were, on the other hand, just as much averse to the Treaty as our own people were anxious that it should be carried into effect. (Hear, hear.) How different would the future be under this Treaty from what it would certainly be if the present state of affairs were to continue. What was the result before? Why, many of our fishermen, were compelled to go to the United States, abandoning their homes in Canada, in order to place themselves upon an equal footing with the Americans; and not only was their industry lost to this country, but they went to man the American navy, so that the very bone and sinew of the Dominion were placed in a position in which, in case of a collision, they would be compelled to act against us and against the country which had given

them birth. (Hear, hear.) It was hardly necessary that he should refer at length to a point in regard to which our interest was so plainly marked out; but he would say a word or two upon a remark that had fallen from the hon. member for Lambton, who had asked the Minister of Justice why it was that the seaside fisheries, which were so valuable, had been given up, while the fresh water fisheries had been preserved; and also why fish from the one was to be free from duty, while fish from the other was not. If the hon. gentleman would take a trip to the Maritime Provinces, where they did not see so much of him as they would desire to see of one who was so distinguished among the public men of Canada, he would probably be able to learn something upon this and other points which would be advantageous to him. The fisheries of the great lakes and those of the sea were entirely distinct, and had been so dealt with in the Treaty, for this reason, that to a great extent the products of the lake fisheries were sold as fresh fish in the United States, upon which there was no duty levied.

Hon. Mr. MACKENZIE.—No, no.

Hon. Dr. TUPPER.—More than that. The system now adopted by the Americans to some extent was to employ in addition to the inshore fishermen, who were engaged in the ordinary trade, middle-men who bought up the fish in a fresh state, packed them in ice, and sent them on to the Market while still in that condition; so that it was quite possible that, while there was no duty on fresh fish, salt fish would be liable to an almost prohibitory duty. It was easy to see, therefore, why principles apparently antagonistic should have prevailed in the Treaty. The hon. gentleman from North Huron, who had spoken so forcibly to-night, had said he would like to know what explanation the Commissioners could give for refusing to accept free salt, free coal, and free lumber from and after 1874, and their subsequent acceptance of the less liberal offer. The answer was a very simple one, and had already been fully given to the House. It was not necessary that he (Dr. Tupper) should add a single word to what had been so eloquently said in reference to his hon. colleague, the First Minister; but after all that had been said by hon. gentlemen opposite, as to the mode in which he had discharged the great duty and trust committed to him, he could not refrain from making some allusion to it. He did not believe, notwithstanding all the complaints that had been made, that there

was a single man of character among those who sat opposite, who, if his Sovereign had tendered to him an invitation to serve on that Commission would have felt for a moment that there was any feeling of patriotism, any sense of public duty, which would make him shrink from accepting the commission, or restrain him from discharging the duty it involved (Hear, hear.) He would go even a step further and say that he had too high an opinion of the patriotism and loyalty of hon. gentlemen opposite, at least the leaders of them, to suppose for a moment that there was a man of character amongst them who would assume the responsibility—the grave and serious responsibility—of saying that the members of that commission should have undertaken to question the instructions which, under the weight of the authority and sanction of the Crown, had been sent out from England, as the result of the best deliberations of the English Government, and as to what was best for the safety and welfare of the whole Empire; or he would say further, that, if the question had been put to the Commissioner from this country in this manner, “Will you sign this Treaty to which the entire people and press of England attach the most vital consequences, which is regarded as being of the utmost importance for the future well-being of the whole Empire, provided everything to which you take exception is left to the decision,—whether to accept or approve, to confirm or reject—of your own free, unrestricted, and uncontrolled Parliament?” Supposing the case had been put in that way, he had too high an opinion of the hon. gentlemen opposite, to believe for an instant that they could find a man in their ranks who, in any such great crisis in the affairs of his country, and having regard to the momentous question not only of the important relations with a foreign power, but of the relations of this colony with the Mother Country, would, if he had been in the position of a Commissioner, have taken the fearful responsibility upon his head of saying, “Even though you do reserve to our Parliament a final decision upon the matter, I will refuse to sign the Treaty, although it may be fatal to the hopes of a friendly settlement of questions between the two countries, may be expected to place the Empire in peril, and may throw England back and destroy all hopes of a peaceful solution of existing difficulties.” (Cheers.) He (Dr. Tupper) did not believe there was a man amongst them who would be willing to have assumed such a load of responsibility. If there was he felt assur-

ed that that man would not, on his return, have received an enthusiastic reception from the people of this country, but rather than the finger of scorn would have been pointed at him as a traitor, not only to the highest and holiest interests of the Empire, but a traitor to the people of Canada as well. (Loud Cheers.) The member for Huron asked the meaning of the refusal of free coals, and free salt, and free lumber after 1874; and yet the acceptance of fresh fish and fish oil at a later period. The matter was perfectly intelligible. The hon. gentleman complained that he did not find arguments in the protocols on the matter. He could not know the facts. He could not know that the protocols were not prepared till the last thing, so as to give the general principles on which the results were based. The hon. gentleman ought to be satisfied with the extract from the speech of the chairman of the Commission, quoted by the Minister of Finance, showing that reciprocity had been struggled for in the most determined way possible, and had only been given up when nothing more could be done. A good deal had been said about the "national policy," and he might say that gentlemen opposite had not the excuse they had urged for their action in that matter. Hon. gentlemen opposite treated the fisheries as of little value. When he, night after night, struggled to get Parliament to adopt the principle of protection he had always maintained, as he did now, that there was nothing more necessary to the prosperity of the country than reciprocal trade with the United States, and it was under that impression that, in the discharge of his duty, he struggled with the Government and Opposition, and combined with hon. gentlemen opposite who, he thought, were acting in good faith, to endeavour to secure the adoption of the policy which he considered the only means to secure reciprocity. When the President of the United States declared in his annual message to Congress that the policy of the United States was opposed to reciprocity, and that it would be purely in the interest of Canada, he (Dr. Tupper) felt that it must be obtained by the rigid exclusion of Americans from Canadian fishing grounds. That exclusion was tried, and then, when there was every indication of success, gentlemen forgot the duty they owed to their country, and, in combination with those who had been most loud in favour of that policy, struck it down. Hon. gentlemen demanded why they were not told by the Government what the effect of their action was on the Commission. The Government had it not

in their power to give such information. What they knew was in the strictest confidence, and they could not state it without bringing dishonour and discredit on the First Minister. He desired to vindicate the Government from the charge of having failed in their duty in this matter, and he was reminding hon. gentlemen opposite that he stood up in his place and implored them to hold their hands from a policy so suicidal; stating that every one must know that the question of the fisheries would be considered at the Conference; and that as Canada wanted reciprocal trade so much, and as that was what the First Minister was struggling for, he asked hon. gentlemen if in that crisis they were prepared, for the mere purpose of obtaining a temporary triumph over the Government, to reverse the policy that had been so successfully instituted. But his appeal was in vain; and it was no wonder when the news came that the action of the Canadian Parliament had entirely changed the aspect of the matter in the United States, that the offer previously made was withdrawn. If the hon. gentleman wanted to know why the First Minister did not accept the offer when first made, it was this: He said—"You ought to give us more. You gave us more in 1854. If you want the same privileges you then enjoyed you must give us more." But when the hon. gentleman was making a gallant and probably a not ineffectual struggle to advance the great agricultural interests of the Provinces, hon. gentlemen opposite combined to strike down his hand. He had then to adopt the Treaty or to take the responsibility of striking the deadliest blow possible at the interests of the Empire. He was in favour of the Treaty, because it was the only means left to obtain reciprocal trade, by allaying all enmities between the two countries. This was already found to be the result, and every one who had visited the United States since the ratification of the Treaty came back in favour of it, for the reason that there was a wonderful difference in the state of feeling in the United States towards Canada. All the acrimonious feeling that formerly existed had been allayed. Let hon. gentlemen study the proceedings of Congress, and they would find the same change evidenced there. The member for West Durham stated that, if Canada had continued the policy of exclusion, the American fisheries would very soon have utterly failed, and they would have been at our mercy. This was a great mistake. Last summer he went down in a steamer from Dalhousie to Pictou, and fell in with a fleet of thirty American fishing vessels,

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which averaged 300 bbls. of mackerel in three weeks, and had never been within ten miles of the shore; and from this the member for Durham would see that the exclusion of the Americans was not quite as efficient as we imagined.

Hon. Mr. MACKENZIE asked whether they were within the headlands.

Hon. Dr. TUPPER said he could not speak as to that; but this question was altogether a captious one, for it was well known that the headland limit had not been enforced for years. He maintained that the member for West Durham gave up the whole argument when he spoke of bounties being necessary to enable the Americans to compete with the Canadian fishermen. If, however, the hon. member would read the proceedings of Congress, he would find that the question of bounties had been scouted from the very first, and that it was admitted on all hands that a system of bounties was utterly impossible; but further, the highest system of bounty would be \$400 to a vessel, while the relief would amount to \$1,200; and therefore the bounty could not, under any circumstances, do away with the advantages on the side of Canadian fishermen. He again referred to what he termed the unpatriotic action of members last year.

Hon. Mr. HOLTON thought the hon. gentleman was out of order in reflecting on the action of the House.

Hon. Sir JOHN MACDONALD said it was not out of order for the action of the House was always open to appeal.

Hon. Dr. TUPPER said he was quite satisfied to find the hon. gentleman acknowledged that a reference to his former action was a reflection.

Hon. Mr. HOLTON said, however that might be, the hon. gentleman assumed the responsibility of that action.

Hon. Dr. TUPPER said that was under compulsion. If hon. gentleman would read a statement recently made by the chairman of the Committee of Ways and Means of the United States they would see that it would be impracticable for the United States to adopt a policy that would counteract the advantages derived by Canadian fishermen. He would now ask hon. gentlemen to turn their attention to the effect of the Treaty on the shipping interest of the country. The member for Halifax had told them that he went to visit a fishery in which he was concerned, when the Treaty of 1854 was in force, and found that, out of forty or fifty vessels, scarcely one was American; but that on another occasion, after the abrogation of that treaty, among an equal number of vessels, scarcely one was Canadian. It must be remembered

that our marine amounted to a million tons, and the House would see that, whether in connection with the fishery or the ship-building interest, the value of the Treaty could not be overrated. He would now refer to the state of public opinion in Nova Scotia. When the Treaty first became known the Nova Scotia Government put a very strong resolution in their journals. Since then the Treaty had been promulgated to the world, and had been read by every fisherman in the Province, and now the same House had been in session for over two months, and there had not been one word of disapproval of the Treaty. He believed that the feeling in Nova Scotia was that Parliament could not inflict greater wrong on them, and could not paralyze their industries more than by refusing to ratify the Treaty, which promoted and protected the great national industries without injuring a single interest, or being counterbalanced by a single drawback; and that a refusal would also tend to prevent the obtaining of reciprocity in the future. He was not so well prepared to speak as to New Brunswick; but the same thing took place there. The New Brunswick Legislature at first strongly opposed the Treaty, but though they had now been six or eight weeks in session, there was not a single hostile resolution on their records. As to Prince Edward's Island, the Treaty was as good as accepted.

Hon. Mr. MACKENZIE asked whether they had repealed the former resolutions.

Hon. Dr. TUPPER said he would not detain the House further, and regretted that he had trespassed so long at so late a stage of the discussion; but the question was one in which not only the interests of Nova Scotia and New Brunswick and the whole Dominion were concerned, but also the interests of the Empire, and he would not have done justice to himself if he had not given utterance to his views. The hon. gentleman took his seat amid loud cheers.

Mr. JONES (Halifax) had come to the House in full expectation of being able to sustain the Government in the course they had taken in regard to the Treaty; but he did not think that the causes of difficulty between Canada and the United States had been removed. He was surprised to hear from the hon. gentleman that Nova Scotia would save largely by the operation of the Treaty. According to his calculation the saving of last year would have been only \$90,000 instead of \$600,000. He agreed that the Reciprocity Treaty was to the advantage of Nova Scotia, but such could not be said of the present Treaty. In his opinion there was

no comparison between the two. Had an exclusive policy been adopted, Canada could have controlled the United States market to the advantage of the Canadian fishermen. He had watched most carefully the arguments on both sides of the House as to the headland question, but could not gain from them that a solution had been found to that question. He had made a comparative statement for several years, and found that the exports during the Reciprocity Treaty were only seven per cent more than since its termination. He referred to the superior appliances of the Americans for fishing, by which they are enabled to fish the whole year round, while Canadians can only fish for half that period. Since the American war and the return of their seamen to the fishing grounds, they have competed and would continue to compete with Canada for the West India trade. He denied that the Canadian fishermen were all in favor of the Treaty. Some of them were, and every annexationist of Nova Scotia was in favor of it, as tending to a closer political union with the United States. Look at the great mineral wealth requiring development in Nova Scotia. Seventy-five per cent of the coal raised finds a market in the United States; but we find that the trade has been in a languishing condition since we lost Reciprocity. The Minister of Justice had asked that no troublesome question should be raised during the discussion of the Treaty; but the question put by the hon. member for Peel would almost suggest that the Americans had an inherent right to our fisheries. The Government of Newfoundland and Prince Edward's Island, although they had the same interests as we had were willing to yield to Imperial wishes with reference to the ratification of the Treaty. They took a high course, and were willing to make sacrifices, and their conduct stood out in striking contrast with the action of the Dominion Government. The course taken by these two Provinces was worthy of all praise. As one of the representatives of Nova Scotia he was not willing to give the United States the only advantage we had, which would be done by allowing them to come and fish in our waters. The Treaty would take out of our hands the only thing we ever had to secure a fair measure of reciprocal trade between the two countries. In the best interests of the Dominion of Canada he would vote against the ratification of the Treaty.

Mr. KILLAM would vote for the fishery clauses of the Treaty; and thought that a majority of the representatives of Nova Scotia would favor its ratification as the

Mr. Jones.

best means of securing peace between the two countries.

Hon. Mr. HOLTON moved the adjournment of the debate.

Hon. Sir JOHN MACDONALD would not oppose the motion, coming as it did from so distinguished a member of the House as the hon. member for Chateauguay; but he hoped that the debate which had now lasted some days, would terminate to-morrow, and wished that it should stand first on the orders of the day.

The House adjourned at 11.50.

SENATE.

WEDNESDAY, 15th May.

The SPEAKER took the chair at half past nine, p.m.

LIGHT HOUSE.

After presentation of a number of petitions,

Hon. Mr. KAULBACK asked whether it is the intention of the Government to make provision in the Supplementary Estimates for the construction of a Lighthouse on Green Island, off St. Margaret's Bay, for the better protection of the large interest engaged in Shipping and Navigation along the Southern Coast of Nova Scotia? The hon. gentleman alluded to the importance of the work, and pressed its construction in strong terms on the attention of the Minister of Marine and Fisheries.

Hon. Mr. MITCHELL replied that the matter was under the consideration of the Government who were aware of the importance of the work, and would probably come to a favorable decision respecting it.

The House then adjourned.

HOUSE OF COMMONS.

WEDNESDAY, May 15th, 1872.

The SPEAKER took the chair at 3.20 p. m.

After routine,

NEW BILL.

Mr. HARRISON introduced a bill to incorporate the United Dominion Sugar Beet Root Growers and Manufacturers' Company. Read a first time.

THE TREATY BILL.

The orders of the day being then called, Hon. Mr. HOLTON resumed the debate

upon the second reading of the Treaty measure. He said that, in the very few observations which he proposed to address to the House, he would avoid, as far as possible, travelling over beaten ground; and indeed in the present condition of his health, and at this stage of the debate—this being the fifth night of the discussion—he would gladly avoid addressing the House at all. But the supreme importance of the subject, and his somewhat peculiar relations to it and the Government alike, forbade that he should give an entirely silent vote upon it. In alluding to his somewhat peculiar relations to the question, he would refer to the painful necessity he found himself in of differing from his hon. friends from Ontario with whom he usually acted in this House. (Hear, hear.) In stating the reasons for the vote he proposed to give, he would not allow a word offensive to the hon. gentlemen to escape his lips, while he would claim for himself that credit for motives of patriotism which he was willing to accord to them. (Hear, hear.) Among the members who had addressed the House from that side on this subject he stood almost alone, he thought, as an original friend of the Treaty; and he had been a friend of it, not because he regarded it as a perfect measure, a perfect instrument, for it contained many things which he would gladly have seen omitted, and there were many things omitted which he would gladly have seen dealt with; but on the whole it constituted, in his judgment, an earnest and hopeful effort to settle long outstanding difficulties between the Empire to which we belonged and the great neighbouring Republic (Hear, hear.) Holding that view, in spite of all objections he perceived in the details of the Treaty, he had accepted it from the earliest moment. He had communicated his views to his hon. friends in the West, and he had, in every circle, social and political, in which he had mingled, expressed the views he entertained upon this subject from the start, with the utmost freedom. He had not, therefore, come down to the House with new light upon the question. If anything could have shaken the convictions he had formed upon it, it would have been the masterly speech of his hon. friend from West Durham, a speech which, upon the whole, he did not hesitate to pronounce to have been the most powerful that had ever been delivered in the Canadian Parliament. In much of what the hon. gentleman had said, shewing the manner in which the Government had dealt with the subject, he (Mr. Holton) went with him heartily; but he could not go with him in the

reasons and arguments he had advanced against the essence of the Treaty itself. (Hear, hear.) He (Mr. Holton) supposed it would be admitted on all hands that this was not a treaty to which Canada would have become a party as an independent country. It would also, he thought, be admitted that it was not a treaty to which England would have become a party if she had not these Provinces as part of the Empire. This consideration elevated the whole question to the domain of the Imperial policy, and made the object to be gained not what was best for Canada or for England, but for the Empire as a whole. He thought, therefore, and the best consideration he was able to give the subject convinced him, that upon the whole in the interests of the Empire at large, and of this country as part of it, the Treaty should be accepted. (Hear, hear.) The question was whether we were called upon to make an undue share of the sacrifices which the ratification of the Treaty involved. Upon that point his mind was fully made up. It had been said that we had nothing to do with the *Alabama* claims. If we were not a part of the Empire we certainly should not have anything to do with them; but, being a part of the Empire, he maintained that no part of the Empire had an equal interest with us in the peaceable settlement of that question. He had no apprehension of war with the United States, but war might arise, and we could not afford to live in a state of uncertainty. We could not afford to leave those questions unsettled, as they would interfere with our capacity to raise money, to take a vulgar view of the matter. Since the claims for indirect damages had been advanced, the credit of Canada had suffered in the market. Capitalists were very sensitive, and they would not venture when there was danger in the distance. Capital was the most sensible of all things; it cared nothing for politics, for boundary lines, or for subtle questions of loyalty. Therefore, from our material interests, there could be no question that we were greatly interested in the peaceable solution of the *Alabama* and all other questions. With regard to the fisheries: it had been alleged that we had surrendered them without a proper equivalent. He would join issue with those who took that view. More reticent than the hon. President of the Council, he did not propose to put arguments into the mouths of General Butler and others to show the advantages the people of Canada would gain. Those advantages were free trade advantages; but they were advantages which to the protectionist mind would unquestionably strengthen their

hands very much, and we knew well the strength of that party in the United States. He believed that the advantages of the fishery clauses to us were quite equal to anything we conceded to the United States. (Hear, hear.) As to the question of the navigation of the St. Lawrence, he admitted that that was the most objectionable part of the Treaty. He had failed to discover any good reason for making that concession. The concession might practically be a barren one; but his conviction was that the free navigation of the St. Lawrence carried with it, by necessary implication, the right to our canals, or the right to construct canals of their own in our territory. There was no reason for this concession. There was no reason why the navigation of Lake Michigan should not have been stipulated for in perpetuity, as a free navigation of the St. Lawrence was conceded in perpetuity. If that had been done there would, in his opinion, have been a fair equivalent, and he considered that the Government had in this matter been remiss. That was his chief objection to the Treaty; but he did not consider that that was sufficient to induce him to vote for the rejection of the Treaty. He thought the Government had to make out a better case then they had done for the concession of this right, and he trusted that they would do so; but regarding our policy of the past as having favored the free navigation of the St. Lawrence, it being to our interest to open the St. Lawrence to American trade, he would be very sorry indeed to hinge opposition to the whole Treaty on that point. Holding that view, if the Minister of Justice had come down to Parliament, as he held he was bound to do, viewing his responsibility for the Treaty which he had signed as our representative, and asked their acceptance of it, he would have had from him (Mr. Holton) an unswerving support. He would say one word upon this question of responsibility. The hon. Minister of Finance had asked him whether he could cite a precedent of a British Commissioner refusing to execute the instructions of the British Ministry. He would answer that question by putting another. Could he (Sir Francis) state any instance of a British Prime Minister allowing himself to be placed in a position in which he was called upon to act in matters affecting the interests of England, without holding himself responsible to Parliament? He (Mr. Holton) maintained that the duties and responsibilities of the Prime Minister of Canada, with respect to Canadian interests were pre-

cisely co-extensive with the duties of the Prime Minister of England, with respect to English interests; that was his answer, and he thought it a conclusive one. He would allude to one point more on this subject. He supposed it would not be denied that, if the Minister of Justice had refused to execute the Treaty, the Canadian clauses would never have been executed; and, if the Treaty in regard to Canadian interests were as bad as the minute of 28th July represented it, it was his duty, at whatever hazard, to have refused to put his name to it. He considered the position of the Minister of Justice, in asking Parliament to ratify the Treaty after the ground he had taken in the minute of 28th July, a very anomalous one, and he thought that hon. gentleman must by this time wish that they had never penned that famous minute.

Hon. Sir FRANCIS HINCKS—Not at all.

Hon. Mr. HOLTON—"Not at all!" He (Sir Francis) had denounced it in stronger terms than the Government had in their minute of July? They howled louder than the Grits against the Treaty; yet because they got a small compensation for accepting the Treaty, they came down, swallowed their own declarations, and invited Parliament to affirm that it was after all a splendid treaty.

Hon. Sir FRANCIS HINCKS—We never said so.

Hon. Mr. HOLTON—The drift of the debate on the Government side had been, that opposition to this bill would endanger the position of this Country with England. The guarantee for the Pacific Railway was the measure of British connection, according to the arguments of the hon. gentleman (Sir Francis). It was worth more in his (Mr. Holton's) opinion; but at the very lowest they could not deny that their position involved this:—that a bad treaty was rendered a good one by that guarantee. He considered it quite inadequate to change the character of the treaty, and thought that all the advantage we got in that guarantee might have been got in a more manly and straightforward way, by separating our application for the guarantee altogether from the question of the Treaty. The Pacific Railway partook so largely of the character of an Imperial work that we might have applied to England to aid us directly in the construction of that work. It was emphatically an Imperial work and he believed that the arguments in favour of such aid would have been unanswerable, if the Government had not belittled our position by stipulating that on condition of our accepting

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the Treaty this guarantee should be given. This guarantee depended upon the fate of the Treaty, because it was only to come into effect when the Treaty was ratified; the hon. gentlemen had shut the door against any proper application to the Imperial Government on the question of the Pacific Railway, and he thought that, in that, at all events, the people of Canada had strong ground of complaint. He had already spoken longer than he intended. He did not feel strong enough to go into the question at the length he desired, and would simply state, before sitting down, that he would vote for the motion of the hon. member for West Durham as marking his reprobation of the course of the Government, but he would vote against the amendment of the hon. member for South Oxford, because its effect was to defeat the Treaty altogether. Being a friend of the Treaty he would not give any vote to that effect. The motion of the hon. member for West Durham, if it prevailed, would not prevent the second reading of the bill, and he therefore had no hesitation in voting for it. That motion being disposed of, he would vote for the second reading.

Hon. Sir GEO. E. CARTIER hoped the House would pardon him for addressing a few words to it at this late stage of the debate, on the important question under discussion. Although the matter had been argued fully on both sides of the House, he thought there were one or two points which had not been touched upon in regard to the favourable consideration of the bill. But before coming to the consideration of the merits of the question, he hoped he might be allowed to bring to the remembrance of the House debates which took place some years ago. It might be remembered that, during the great discussion that had taken place between his party and the liberal party of Upper Canada on the subject of representation by population, he had on one occasion made a speech which had afterwards been called by his political opponents, "The great codish speech." (Laughter.) His object in that speech was to show that, although in some respects the resources of Upper Canada outweighed those of Lower Canada, yet the latter had in her gulf fisheries a valuable source of wealth, and that the reciprocity of 1854 was due to the American appreciation of the value of those fisheries. At that time the people of Upper Canada overlooked their utility and richness, but now he found, from the speeches that had been delivered in this House by hon. members from Ontario, that a due

appreciation of the value of the fisheries of Quebec was entertained in the West. Indeed, those honourable gentlemen had raised greater objections, and made more trouble with regard to these fisheries, than those who were more particularly interested in them, and could hardly find words now to express their sense of their value. It was thus seen that the estimate he had formed of the fisheries at that time was correct, and was now practically acknowledged to be so by the policy of his political opponents from Ontario. The reason the Government had offered protests in relation to the treaty was because they had set a high store on them, and desired to obtain larger concessions in return for them than had been given by the Treaty. Hon. gentlemen from the Maritime Provinces must not consider that they were alone interested in this question; for the Province of Quebec, in her Gulf and Labrador fisheries, was equally as much interested as the sister Provinces. He was glad to make these remarks at the outset, because some hon. gentlemen from Nova Scotia and New Brunswick had spoken as if they were the only Provinces blessed with the wealthy fisheries, while the fact was that the yield of fish in the Province of Quebec compared most favorably with the yield in the other Provinces. (Hear, hear.) The Government then, as far as it had been called upon to act respecting this matter of the Treaty, was aware of the immense value of the fisheries, and knew that, to permit the Americans to fish in our waters upon the same footing with our Canadian fishermen, was giving them a great advantage, and they had done all they could, and all it was their duty to do by way of representation and remonstrance, in order that the fisheries should be used so as to gain for Canada greater advantages in the direction of reciprocity of trade than those secured by the treaty; failing to obtain that, they had obtained the next best thing. The same contention and remonstrance must have been made by the Commissioners who negotiated the Treaty, since there was a clause in it which provided that there should be a money consideration payable to Canada, if upon arbitration it was shown that the value of the fisheries opened to the enjoyment of the Americans, was greater than the value of the American fisheries thrown open to the Canadians. Several hon. gentlemen opposite had endeavored to make it appear that the Treaty was a cession of territorial rights. Now, it was merely a tariff arrangement, and nothing else. (Hear, hear.) He used the expression advisedly;

it was simply a commercial regulation; with the additional provision that, if we gave to the Americans more than they gave to us during the twelve years the Treaty remained in operation, the excess of value should be ascertained by arbitration and paid to us as a money compensation. That was all. It was a tariff arrangement, as he had said, and there was no cession of territorial rights, for if it had been proposed it was the duty of this Government to represent to the Imperial Government that there should be no such cession. It was still fresh in their memory what had taken place in New Brunswick with regard to the Maine boundary, and they were not disposed to let the Imperial Government or the Commissioners lose sight of the fact that they were aware of what was going on, and that they were opposed to anything that would bear the appearance of a cession of territorial right. Thus the Treaty, as it was finally concluded, imparted no such cession. (Hear, hear.) He had listened with great pleasure to all the hon. gentlemen who had spoken on the other side, and particularly to the hon. member for West Durham; and his colleagues and himself had been struck with the fact that during the first two hours of that hon. gentleman's speech he had drawn all his arguments from documents that had been prepared at the instance of the Government. (Hear, hear.) He was glad to see that the reasons which had been presented to the Imperial Government in order to secure liberal treatment for Canada, were so highly appreciated by the hon. gentlemen opposite, and were held to be so conclusive as to form the principal arguments addressed to the House by them. It was a matter of surprise to him, however, that the leaders of the opposition, who had spoken so eloquently and forcibly upon the subject, instead of taking their argument from the newspapers which had discussed the Treaty in an unfriendly spirit, had drawn all their inspiration from documents which the Government had prepared for submission to the Imperial Government. He acknowledged and felt it to be a high compliment, when such able men looked for arguments to sustain their course in papers that had been written by the Government. (Hear, and laughter.) He would now address himself to some portions of the speech of the hon. member for West Durham that had not yet been answered. The hon. gentleman had divided his speech into three topics—first, the cession of territorial rights; second, the legality of the Treaty as far as it conceded

the navigation of the St. Lawrence; and third, the Fenian claims. On the first topic he had labored to make it appear that he implied cession of territorial rights, but he had not succeeded in making out his case. He had acknowledged that no harm had been done, because power was reserved to the Canadian Parliament and people to reject or confirm the work of the Commissioners. When the hon. gentleman afterwards referred to the navigation of the St. Lawrence, he had laid down a proposition of international law which was entirely incorrect, and knowing, as he did, the legal ability of his hon. friend, it had surprised him to hear such a doctrine put forth. It had been urged that, as the fishery clauses of the Treaty had been reserved for the decision of this Parliament so, too, ought the article relating to the St. Lawrence, because that river from St. Regis downwards flowed between banks which on both sides were Canadian territory. The hon. gentleman held too that the Confederation Act, by giving this Parliament power to legislate upon navigation and shipping, conferred the right upon Canada of legislating with regard to the navigation of the St. Lawrence; and that, therefore the consent of Parliament to this article of the Treaty should have been sought. That part of hon. member's argument had not been answered, and he (Sir George) would address himself to the false legal pretensions advanced by hon. gentlemen. The reason that the articles of the Treaty providing for the free admission of fish and fish oil had been reserved for the decision of Parliament, was that their operation depended upon the repeal of customs duties, which could only be removed by an Act of the Canadian Parliament. There was also another reason:—By the Confederation Act the Parliament of the Dominion had a right to make laws respecting the territorial domain of Canada. It was conceded that the sea within three marine miles of the shore was part of the territory of the country, and that vessels of other nations had a right to navigate those waters for any purposes of trade other than fishing. What made it necessary that the assent of Parliament should be obtained to the right of vessels to frequent these waters for fishing, was that, in order to carry out the fishing profitably, it was requisite that fishermen should land their nets and use the shore for the purpose of drying and curing; that is to say, to use our territory for that purpose. As it rested with this Parliament to determine who should enjoy such a right as that, the Commissioners in this instance knew that

Hon. Sir G. E. Cartier.

the assent of Parliament was necessary before those articles could become operative. From that necessity the hon. member for West Durham had argued by inference that the right to navigate the St. Lawrence ought also to have been made subject to the sanction of Parliament. The hon. gentleman was wrong in that view. The Confederation Act, in giving power to legislate upon matters of navigation and shipping, had not given the Parliament of the Dominion more power than was previously possessed by the late Province of Canada and the Provinces of Nova Scotia and New Brunswick. Before Confederation those Provinces had power to legislate upon certain questions connected with navigation and shipping, such for instance as questions relating to the registration of vessels navigating inland rivers and waters. When those who promoted Confederation came to consider how the different legislative powers should be distributed they had provided that jurisdiction over navigation and shipping should belong to the Dominion Parliament and not to the Local Legislatures. What had surprised him was to find that the hon. member for West Durham, who was learned in the law, and one of the leading legal authorities of Ontario, should have fallen into the mistake of supposing that the Dominion Parliament had complete jurisdiction in that respect. (Hear, hear.) If the hon. gentleman would refer to the Consolidated Statutes of Canada, enacted in 1859, he would find an Act under the title "Trade and Commerce," respecting the registration of inland vessels. He would also find another enactment for the more effectual prevention of the desertion of seamen, and a third respecting the navigation of Canadian waters. Then if he would turn to the Statutes of the Lower Provinces, he would find there also that legislation had been adopted with respect to interior navigation, and jurisdiction over vessels of a certain tonnage had been left entirely to provincial legislatures. Now in the Confederation Act the words "Navigation and Shipping" merely referred to those matters of navigation and shipping which had been left previously by the Imperial Parliament to the jurisdiction of the Legislatures of the late Province of Canada and of the Provinces of Nova Scotia and New Brunswick. He (Sir George) did not intend, however, to rest his case merely on inferences, because he could prove as he had done to the hon. gentleman, that he himself had been a party to a measure that had been brought before this House, and could hardly have escaped his recollection. Well, it was

known to members of the House that, by an Imperial Act of 1849, England threw open to vessels of the whole world, all her ports, not only in Great Britain, but in every British possession. By the repeal of the navigation laws in 1849, every foreign ship acquired a right to enter any British port without let or hindrance, no matter what the national flag she carried. With regard to coasting trade, however, there was one exception, for neither in England, the Channel Islands, nor in any British possession could a foreign vessel take on board goods and passengers at one British port, and make for another and land them there, without first touching at some foreign port. There was also another exception in the Act. No power was given to any British colony to legislate on any matter affecting foreign vessels; but leave was given to any of the British possessions to represent by address to the Imperial Parliament any legislation they might desire with regard to the coasting trade within the limits of such colony; and then the Imperial Act authorized Her Majesty in Council to apply a remedy, if it was thought proper that a remedy should be granted. Now this was the legislation which took place in England, and which as it were created a revolution in regard to the commercial navy, because as England had two years previously determined on the policy of free trade she could not as a matter of course continue to maintain any exclusive system in regard to navigation; the Customs Act of 1853 repealed the provision contained in the Imperial Act of 1849, with regard to the coasting trade, and gave power to the provinces to represent by address their grievances, in order to obtain a remedy from Her Majesty should she think proper to grant what was asked. When the old provinces became confederated a difficulty arose with regard to the provisions contained in the Customs Act of 1853, the Merchants' Shipping Act of 1854, and the subsequent Imperial Act amending the Act. Before Confederation the Merchants' Shipping Act provided for the registration of, not only sea-going vessels, but vessels navigating the inland rivers, and the old Provinces had the right to legislate with regard to shipping and navigation. He was instrumental, with his hon. friend from North Lanark, in representing, in 1868-69, to the Imperial Government and Mr. Bright as President of the Board of Trade, the anomaly which existed arising out of the Confederation Act. He explained that, after Confederation, the Americans presumed that the Dominion of Canada contained several Provinces in

each of which a port could be made; and upon the representations of himself and the member for North Lanark, forming the delegation to England, that the Dominion ought to be viewed as one port only by American and foreign vessels, an Imperial Act was passed amending the Merchants' Shipping Act, respecting certificates to be given to Masters and Mates. The Dominion of Canada was authorized to legislate with regard to the coasting trade, but such legislation was to take place before the expiration of two years after the passage of the Imperial Act, any legislation on the subject by the Canadian Parliament to be reserved for Her Majesty's assent. The Parliament of Canada had passed two acts under that Imperial authority, both of which were sanctioned by Her Majesty. The argument of the member for West Durham, that the navigation of the St. Lawrence ought to have been left for the approval of the Parliament of Canada as well as the fisheries was fallacious. England had acted according to imperial law, and according to the international law. The hon. gentleman had resorted to a sort of inferential argument: he had referred to the Treaty of 1854, and stated to the House that by that Treaty the question of the navigation of the St. Lawrence was left to the ratification of the Canadian Parliament at the time. He (Sir George) denied such a statement. The high contracting parties to the Treaty convened at Washington in 1854, treated and determined upon the matter upon which they were authorized to treat irrespective of the legislation of any of the Provinces affected by that Treaty. That Treaty interfered with the customs duties of the Provinces, and in taking effect was, as matter of course, ratified and approved by the Provinces, but only to the extent of the questions in which they were concerned; that is to say, the customs duties. He quoted the articles of the Treaty of 1854, by which the United States were allowed the privilege of using the St. Lawrence and Canadian canals leading to the ocean, on the same terms to tolls as Canadians; it being understood that the British Parliament retained the right of suspending the privilege on giving due notice thereof to the United States. He called the attention of the House to the fact that this right was reserved to the Imperial, and not the Canadian Parliament. On other hand the Americans received Canadian produce into the United States free of duty, similarly reserving the right to suspend that privilege. He also quoted from the legislation of Canada carrying out that part of the Treaty of 1854, and

referring to Canada; but in which no reference was made to the navigation of the St. Lawrence; and yet, he said, the member for West Durham had tried to make an inferential argument in order to prove that the question of the navigation of the St. Lawrence ought to have been left for the ratification of the Parliament of Canada as well as the fisheries. They had a right to make laws affecting matters within the territorial limits of the Dominion; but they had no right to make laws affecting, as it were, the navigation of the St. Lawrence or particularly any part which Her Majesty had reserved to herself the right to legislate upon. He thought the House would agree that he had succeeded in destroying the principle basis of the argument of his hon. friend from West Durham with regard to the navigation of the St. Lawrence. The hon. gentleman had been answered by others who had spoken on the subject. No one would think that Canada had the power to exclude American vessels from navigating the St. Lawrence. The hon. member for Chateauguay had stated that his chief objection to the Treaty was the free navigation of the St. Lawrence. There were such things as the Falls of Niagara and the Cedar Rapids; and the Imperial Government, in giving the right to the Americans to navigate the river over which it had power, had been cautious in the Treaty of 1854, as also in that under discussion, to provide that with regard to the canals, the Americans must submit to any tolls levied upon vessels by the laws of the Province through which they passed. The Americans could not go over the land, and could only use the canals on payment of tolls, and he could not agree with the objection of his hon. friend. The hon. member for Chateauguay was logical in one of his conclusions, namely, that he would vote for the Treaty; but, when he said he should vote for the amendment of the member for West Durham, because it did not abrogate the Treaty, he was mistaken. That amendment involved a vote of want of confidence; and if the Government were defeated they would have been defeated on the Treaty. There was, however, no danger of this; and when that amendment was voted down, he would be glad to have the hon. member voting with the Government for the second reading, and he congratulated the hon. member on his courage in having separated himself from his Ontario friends. The principal opposition to the Treaty arose in Ontario, and it seemed that the gentlemen from Ontario wanted every question affecting the whole Dominion treated from an Ontario point of view. He had many friends in Ontario,

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but so long as these tactics were carried on the Opposition would certainly remain where they were. On the subject of the Fenian claims, the hon. member for West Durham had become quite sentimental, speaking of widows and young men who had lost their lives, and asked whether an Imperial guarantee would compensate such cases as those. If the hon. gentleman would read the estimates he would see that appropriations were asked for sufferers by these raids, and in addition the Militia Act provided that pensions should be granted to those entitled to receive them. Parliament was, therefore more sympathizing than the member for West Durham, for they made immediate provision for sufferers, while he wanted them to wait till the claim was paid. But supposing that Canada had received a money payment instead of a guarantee would that money have gone to the sufferers? No. He now desired to address himself more particularly to those friends from Quebec, who, during the course of twenty years had given him their confidence, and whom he had brought again and again through Parliamentary struggles, where their votes had not been popular at the time; but where they had been on the side of justice and right. This had been the case in votes on Confederation, the question of justice to Nova Scotia and the formation of Manitoba and British Columbia into Provinces; in all which matters Ontario had been wavering and uncertain, while Quebec had stood firm; and in the present case, the case of the Treaty, he again hoped to see the representation of Quebec firmly united in its favor. The member for Peel had spoken of the loss England had sustained in the fall of her old ally, France. Of course they must regret that France was not in a position to act as a powerful ally to England, as she had been previously, but one-third of the population of the whole Dominion were of French origin, and what a satisfaction it would be to England to find the representatives of the entire French population of Canada ready to consent to the Treaty, and so help the Empire to settle her present difficulties; and he therefore, hoped to see those representatives in a solid body voting for the Treaty. (Cheers.)

It being six o'clock the House rose.

AFTER RECESS.

Hon. Sir GEO. E. CARTIER repeated in French the arguments he had previously advanced in English.

Mr. CAMPBELL (Guysboro') said that the hon. members for the County of Halifax, and for Shelburne, who had spo-

ken upon this question, had been known to him for a very long period of time; and from their position were peculiarly qualified to speak on the subject of the fisheries. He could, with the greatest confidence, commend their remarks, counsel, and advice to the most favorable consideration of the House. Another gentleman from Nova Scotia had also spoken, who represented a constituency (Yarmouth,) the active and enterprising character of whose population was a guarantee of the soundness of his views. In 1854 it was his (Mr. Campbell's) lot to be a member of the Legislature of Nova Scotia, when it became his duty to pass upon the commercial arrangements made at that time with the United States. Similar objections to those made against this treaty were made against that. The prejudices and hostilities of a particular class of the population, supposed to be effected by that measure, were invoked and sought to be arrayed against it. The most unpurposive means were resorted to for the purpose of operating upon them. Notwithstanding that unworthy course, notwithstanding that a general election was about to take place, he had felt it to be his duty to give his support to that measure, and assist in the ratification of the Treaty. He had never repented that vote, and he had represented the same constituency ever since. (Hear, hear.) What were the consequences of that Treaty? At a very early period after its ratification he had had an opportunity of observing its beneficial effects, not only in his own constituency, but throughout the Province at large, and, when the Treaty was abrogated, a cloud seemed to have arisen which overshadowed the whole land, and brought in its train discontent as well as adversity. That happened at a most inopportune moment, for about the same time the union of these Provinces was accomplished, causing in Nova Scotia a most threatening state of the public mind. He felt that the disposition evinced on account of the repeal of the Treaty, and the harsh terms in which the people were disposed to express themselves in relation to the consummation of the Union, were attributable in no little degree to the general embarrassment that ensued in consequence of that abrogation. The Treaty now before the House was of a somewhat similar character, and his constituents regarded it entirely in that light. Under the operation of the system that had prevailed since the repeal of the Treaty of 1854, the fishermen of Nova Scotia had, to a large extent, become the fishermen of the United States. They had

been forced to abandon their vessels and homes in Nova Scotia and ship to American ports, there to become engaged in aiding the commercial enterprises of that country. It was a melancholy feature to see thousands of young and hardy fishermen compelled to leave their native land to embark in the pursuits of a foreign country, and drain their own land of that aid and strength which their presence would have secured. (Hear, hear.) There was another evil in connection with this matter, that, not only were they forced to aid in promoting the welfare of another country, but they were led, by being so gradually alienated from the land of their birth, and led to make unfortunate contrasts and comparisons to the detriment of the country to which they belonged; because in the country to which they departed they derived benefits that were unattainable in their own. (Hear, hear.) Another evil of the present state of things was the impediment thrown in the way of ship building by the depression caused in the business of the country. While Nova Scotia had mechanics who were able to build vessels that would compete in every important respect with those built by our American neighbors, the commercial impediments thrown in the way of Americans fishing in Canadian waters had an injurious effect upon the ship building interest. It had been said that the concessions obtained by the Dominion were not equivalent to the concessions which were granted to the United States. Upon that point he regarded what had been said by the Minister of Justice about the privileges of Canadians resorting to American waters for the purpose of procuring bait, as being of great importance. He believed that to be a very valuable and important concession. (Hear, hear.) He did not regard the American inshore fisheries as of such little value as had been represented, for he knew that frequently American fishermen left our coast and resorted to their own waters, where they received a valuable recompense for changing their venue and base of operations. By the treaty of 1818 American fishing vessels were not permitted to enter our harbours except for the purpose of obtaining wood, water and shelter. This limitation had produced a great deal of dissatisfaction, and did injustice to our shore population. During the existence of the reciprocity treaty those vessels were constantly in our waters, engaged in a mutually advantageous business with the merchants who lived on shore. Both parties desired a renewal of that relation, which would decidedly be to the advantage of Nova Scotia. It was

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because he desired to restore to the people of Nova Scotia the advantages of that reciprocal trade, that he was ardently anxious for the ratification of this Treaty. To use a phrase that had been employed on both sides of the House, his constituents had "set their hearts upon it"; and as far as his voice and vote went they would surely have it. (Cheers.) He was extremely sorry that the Treaty had received the opposition it had, nor could he satisfy his own mind that such opposition was called for by any interest in the country. If the Treaty was objectionable to the people how came it that there was no expression of popular feeling against this measure? How was it that there were no petitions presented against it? How was it that boards of trade and chambers of commerce, which were always so watchful of everything connected with the commercial interests of the country, had sent no remonstrance and uttered no objections? (Hear, hear.) Why all this reticence if, as some hon. gentleman maintained, there was a deep grounded antipathy to the Treaty throughout the land? Here was a measure, one of the most important that could ever be brought before this legislature, or was likely ever to come before it, which was declared by some hon. gentlemen to be a betrayal of our rights, and fatal to our interests; and yet the great body of the people had not uttered a word against it, but had left it to their representatives to do what it was not common for them to do when great interests were at stake—act without the sentiments of their constituents being specially declared. (Hear, hear.) Treating the subject from a broader than a mere local point of view, he held that the maintenance of good will between the people of Canada and of the United States was of the very first importance to both, and also to the people of Canada as a portion of the Empire. The continuance of good relations between them had been threatened. Events concurrent with the late civil war in the United States had led to a state of feeling which it was most desirable should not be continued. These two great nations had by this Treaty adopted a mode by which those differences might be healed, by which that unhappy and dangerous state of things might be remedied. They had provided a mode by which the horrors and barbarities incident to a state of war would henceforth be avoided, and the milder weapons of reason, and argument and justice be considered as the true exponents and the best test of the right of nations. (Hear, hear.) As regarded individuals, so it was with respect to nations.

Solutions, where a solution of grave difficulties and difference was desired. There was no mode so well calculated to effect that object, so simple, rational, and likely to be attended with such beneficial results as that in which the individuals or nations were brought into direct intercourse; to state their grievances and frankly acknowledge their responsibility, and when that was deferred to call in the aid of some impartial friend, by whose decision they would agree to be bound. Acting upon this great principle, the heads of these two powerful nations had agreed to subscribe their seal to this Treaty. The Parliament and people of England had followed that glorious example. In that great arena of eloquence and patriotism political gladiators had cast aside the ordinary weapons of their warfare. Parties had been hushed; rival leaders had spoken together in harmony and accord; the interests of millions of population of England and America; the interests of hundreds of millions of the earth's inhabitants, the progress and civilization, the peace and general welfare of the world had been consulted, and in that great arena, in that great Parliament, the people, by their representatives, and their representatives by the sanction of the people, had approved and ratified that mode of settling international differences. (Cheers.) And yet we here in Canada were asked to take another course. We were asked to reject this humane, this benevolent, this philanthropic mode of settlement. We were asked to reject the results of the labors of those pious and good men who had taken part in these deliberations. Should we do anything of the kind? Should we do anything but confirm this Treaty? He believed that the response of this House would be in the negative; and he felt confident that with this treaty ratified so far as we could ratify it; with this Bill now before the House made a portion of the statutes of our country, a new era would occur in reference to our relations with the United States, and a new cause of rejoicing would come to the people of the Dominion, that their lot was cast in this happy land. (Cheers.)

Hon. Mr. DORION said that the subject before the House was one of the greatest importance to this Dominion, and of very grave importance when we considered it in reference to its bearings upon Imperial interests. He alluded to the action that had been taken by England with regard to the *Alabama* claims, from the year 1862, when Earl Russell had refused to admit any liability in this matter, to the time of the

formation of the Joint High Commission, and argued that the fact of England having receded from the position then taken was conclusive evidence of the vital importance to England and to us of settling those disputes and maintaining friendly relations with the United States. He was not one of those who believed that England had tarnished her honour by the Treaty of Washington. He did not believe that England had done wrong in the course she had pursued with regard to that Treaty. He thought that Great Britain had been animated by high, noble motives in the course she had taken. It was not because of the forty millions of people of the United States that England had her position, but he believed it was because there were four millions of British subjects on this side of the line, whose interests she wished to guard, that England had done so—(hear, hear)—and if Canada had not been an English colony she would not have receded from the position she first took. He had not heard it said that this Treaty, whether from an Imperial or colonial point of view, was a good treaty, except by one hon gentleman, the senior member for Halifax, who had advocated the ratification upon the merits of the Treaty on colonial grounds. It had been said that the *Globe* had been the first newspaper to cry out against the Treaty, but he would show that the first cry that was raised was by the Ministerial press and he believed at the instance of the Government and for their own purposes. The hon gentleman then referred to the *Montreal Gazette* of 13th May, 1871, which contained, he said, the full text of the Treaty, but not a word of comment upon it in the editorial columns; but on the 20th May, after the Treaty had been before the country for a week, and after the editors had had time to receive their instructions as to how they should write, an article appeared in that paper, condemning the Treaty and the British Commissioners in the strongest language, and stating that England had degraded herself by signing such a treaty. Therefore, the attempt to put the onus of the cry against the Treaty upon one portion of the press was unjust and unwarranted. If the dates were compared, it would be found that, shortly after the article appeared in the *Montreal Gazette*, the *Leader* and *Telegraph*, and, in fact, all the papers supporting the Government, had launched their thunders against the Treaty. On the 28th July the Government themselves had declared that it was not acceptable to the Canadian Government or to the people of Canada. The Minister of Militia had stated that it was not a question of

cession of territorial rights; that it was merely a financial tariff arrangement; but that statement did not agree with the minutes of 28th July, which stated that the Treaty was not acceptable to the country for two reasons: first, that the principal cause of difference between Canada and the United States had not been removed, but remained a subject for anxiety; and, second, that a cession of territorial rights of great value had been made, contrary to the express wishes of the Canadian Government; and yet the Minister of Militia said it was not a question of cession of territorial rights. Nearly the whole press of the country had expressed indignation at the Treaty on account of material interests which had been sacrificed, and gentlemen opposite had intensified that dissatisfaction at the opening of the discussion by the course they had taken. It was all very well for them now to try and shift their position, by saying that there were higher considerations which should induce this House to sanction the Treaty. If they had presented it to us as a necessity; if they had stated that it was not a treaty that dealt fairly with Canadian interests, that it was in the interests of the Empire that it should be accepted in order to maintain friendly relations between the two great countries interested; if they had thus thrown themselves upon the indulgence of the House, he for one would have been ready to accord them support. The fisheries are so important that we have the word of the Ministers themselves that we never should have had the Reciprocity Treaty of 1854 without them; so that we have at once abandoned every inducement to reciprocity. We have heard that, because a majority of the House abolished the duty on wheat and coal, we had thereby lost all chances of reciprocity. As it is, there is no doubt a great sacrifice has been made, and the question is whether the money consideration is sufficient. Prince Edward Island, although willing on Imperial grounds to ratify the Treaty, made very strong representations against it. They stated that, in deference to the wishes of the Imperial Government, they reluctantly consented to the Treaty. Newfoundland, representing the difficulties that would embarrass the Government, was, however, willing to sanction it. These were two outside colonies. Now, looking to the Dominion we find Nova Scotia voting by thirty to three against it, and this just before their election, and they have not changed their views since. Turning to New Brunswick, a just newly-elected Legislature votes unanimously against it.

Hon. Mr. Dorion.

He would have been willing to make any sacrifice, as England had to do so; but this was not the ground on which the ratification was put. It is a meaner and lower one; it was a question of the interest of the present Ministry. The Finance Minister read the other night extracts which practically said those interested in the fisheries will be sufferers; but we are afraid that that Treaty will be imposed upon them by those least interested in its clauses. We were giving up without any necessity what would have secured reciprocity. It has been stated that the Premier was not representing Canada on the Commission; that he admitted, but it would have been better to know that they were represented, and by a statesman holding the position held by the Premier. It availed us but little that we were represented there, as the interest of Canada had been sacrificed while he was sitting on the Commission. Even had he not been there, and found that England was about to barter our interests, it was his duty to remonstrate. He ought to have said to England he could have been no more a Commissioner, or to the people of Canada he could be no more their Prime Minister. As a British Minister he signs with his right hand the Treaty, and comes to Canada, and with his left hand pens the minute of Council of 28th July. In the one case he was representing British Interests, and in the other he was a Canadian. If his hon. friend could reconcile the two positions, he (Mr. Dorion) could not. He could not, without a blush coming to his face, speak of the course adopted by the Canada Government. On the 28th July they had sent a remonstrance to the British Government, which was replied to by the despatch of the 23rd November, by which it would appear that the British Government had not understood the minute of Council of 28th July, and on the 22nd January last the Canadian Government wrote another Order-in-Council, explaining what they meant. He thought the Government had estimated the feelings and honour of the Canadian people at a much lower value than the people would accept. They had, as political gamblers, tried a game of bluff with the British Government; they asked four millions and accepted two and a-half millions, and their object was merely to extort from the British Government. He thought that no man placed in the peculiar position of the Premier should have kept his office for one moment; but they had seen that it was not for so small a matter as the Treaty that the Government were willing to abandon their seats. The President of

the Council had stated that reciprocity would be the greatest blessing for Canada; but last year, when it was a question whether the Legislature would risk their seats to support that great blessing, they kept their seats, although they said the question was of the most vital importance. It was the same thing again. The Government had decided from first to last to carry the Treaty in order to obtain the Imperial guarantee. If hon. gentlemen were willing to accept so humiliating a position he was not, and he thought he expressed the feelings of a majority of the people of the Dominion, who were not ready to sacrifice the interests of the country for a paltry guarantee. The Minister of Finance asked what he (Mr. Dorion) would have done. He would not have accepted the Treaty for a mere money consideration. He would have acted the manly part of Newfoundland and Prince Edward Island, and he would have said to England, "The Treaty is not a satisfactory one; but in the interests of the Empire we are willing to accept"; and then afterwards Canada's just claims might have been brought before the people of England, and their sympathies would have been enlisted in her favor, and she would have been met generously. As the matter now stood, however, Ministers would be put to the blush at the elections, for their action in holding the Treaty in one hand and a purse in the other. He read an extract from the *Canadian News*, to the effect that the bribing of Canada was equally degrading to those who offered and those who accepted it, and said the writer did not know that the guarantee was asked by the Canadian Government. He would have desired to condemn the action of the Government, and then to support the Treaty; but, after mature consideration, he could only come to the conclusion to condemn the Government and the Treaty also, considering the circumstances under which it was presented. He did not believe Canada would always be a colony; but when the time should come for her to assume the position of a nation there could be no greater evil than that she should separate with the ill feeling and coldness of the Mother Country. When the time for separation came, he desired that it should be with England's blessing. He feared, however, that the action of the Ministry would tend to produce an impression in England that Canada was merely selfish, and would make no sacrifice in the interests of the Empire. He hoped the amendment of the member for South Oxford would be withdrawn, for it had no meaning whatever, while that of the mem-

ber for West Durham was a distinct condemnation of the Government. The speeches of the members for Toronto and Peel seemed to be mere funeral orations, and those gentlemen must have come to the conclusion that, after the coming elections, the Premier would not be found in his present position. The hon. gentleman then repeated his remarks in French.

Mr. A. J. SMITH (Westmoreland, N.B.)—said the question was perhaps the most important that had ever come within the consideration of the House, for it affected our relations with a foreign country as well as our relations with the Fatherland. It seemed to him that it would have been more prudent to have discussed the matter with closed doors, as the Senate of the United States was doing at the present moment; for he feared that, instead of a feeling of patriotism, party political feeling pervaded the discussion, and they knew that the First Minister had stated that the utterances of members might be adduced as evidence before the Commission provided for to decide on the relative value of the Canadian and American fisheries. He desired to say at the outset that he should support the Treaty; but he could not agree that it was fair to Canada. But the question was, whether it was not expedient to adopt it. The responsibility of rejecting it would be great. When it was first announced, was it not received with execration and indignation? If Parliament had been called together within three months of its annunciation, he doubted whether five members would have supported it. Since then a great change had taken place, not in respect to the merits of the Treaty, but in respect to the expediency of adopting it, and he could only account for this change by the altercation that arose between England and the United States as to consequential damages, and the consequent feeling of Canada that it would be almost disloyal for her to reject it. He believed, however, that there had scarcely ever been a treaty between England and the United States in which the latter had not the best of it. The only case in which no difficulty arose was the Treaty of 1804, and it would be well to compare that with the present Treaty. In the former, England called to her aid representatives from every Province of British North America. It was not thought for a moment that England would enter into a treaty with the United States upon subjects affecting Canada. This consideration, however, was not extended to us now, and this induced him to believe that the ties binding Canada to the Mother Country were gradually

giving way. The question in dispute, when the Commission was organized, as far as the fisheries were concerned, was the headland question. He referred to the several Treaties to show that, in the Treaty of 1854, the Americans abandoned for ever the right to fish within three marine miles of our shores. Then another matter of dispute was the Fenian claims, and so, on the suggestion of the Postmaster General, negotiations were opened which ended in the appointment of the High Commission. He then quoted from the despatches laid before the House, showing that the distinct understanding was that all matters of dispute were to be settled. He desired, however, to ask the Government whether, if the present dispute between England and the United States as to consequential damages did not terminate amicably, the case relating to Canada would be affected. He thought this was a very important point, for the only consideration that induced him to assent to the bill was that all matters of difference between the two countries might be settled and arranged. He did not desire to find fault unnecessarily, for he was neither in favour of annexation or independence, and hoped the connection between Canada and England might continue for ever; but he must protest against the way in which the member for Sherbrooke, of whom he spoke in the highest terms, had been denounced and cried down, because he had had the moral courage to declare his honest convictions as to the future of the country. Referring again to the consideration extended by England to Canada, he alluded to the Treaty of 1854, and asked the Finance Minister whether he had not been invited to advise and assist as one of five Commissioners in making that arrangement. Now, there had been no such invitation; for the First Minister ceased to be a representative of Canada the moment he accepted an appointment, and sat on the Commission as an agent of the British Government to do their bidding in all things. The hon. gentleman himself knew that he was there to carry out the will, not of Canadians, but of the British Government, to act upon their instructions, and to be governed by their wishes. He (Mr. Smith) admitted that, if Canada had been represented on the Commission, and that if a representative was wanted who would guard, protect and advocate the interests of this country, there was no man who could better discharge that duty than the hon. gentleman; but it was not as the representative and protector of Canada that he had served. Why, look at the protocols, and it was plain to be seen that the

Mr. Smith.

Prime Minister of England directed their movements. The hon. gentleman was therefore an agent in the hands of the Imperial Government, and as such he was not responsible to this House. What he (Mr. Smith) complained of was that in the settlement of the grave differences between the two countries, and in the negotiation of this Treaty, England had given Canada no voice. He thought she ought to have followed the example of 1854, and called to her assistance, before concluding so important a matter, some gentleman particularly to represent the Dominion in the negotiation. If the Minister of Justice had known the true circumstances of the case before he accepted the appointment, he (Mr. Smith) felt perfectly assured that he would never have undertaken the duty of the position; and the only thing he could do was to ask the British Government not to yield the fisheries without the consent of the people of Canada. He (Mr. Smith) thought the time had come when we in Canada should speak plainly upon this subject; when we should let the Americans know that we understood it and could appreciate their skill in all matters relating to diplomacy, and that we felt they had always got the advantage of England in every treaty that been negotiated between them. Upon this point he quoted from the *Quarterly Review* to show that both in regard to the Maine boundary dispute, and the *Alabama* and fishery dispute, England had made concessions to the United States which she would not have made, if it had been from a fear of going to war. He then came to the provisions of the Treaty of last year. He believed the arrangement it contained was unfair to the people of this country; that it did not offer them such equivalents for what they conceded as they ought to have; and that the Americans had secured a decided advantage. He challenged any one to point to a single instance where the British Commissioners had been successful in obtaining the recognition of any demand they had made (Hear, hear.) It was very remarkable, too, that when the American Commissioners offered to admit salt and coal free, and lumber after 1874, they were allowed to withdraw it even afterwards, a withdrawal which would not be allowed in any business transaction between individuals. Then in the arrangement about the canals there was the same inequality, for, while the Americans were admitted to all the Canadian canals on equal terms with our own people, Canadians were restricted in the use of American canals to those which were connected with the St. Lawrence and the lakes. Under this arrange-

ment Americans would have access to the Bay Verte and other canals in Canada, completed and projected, while our people would be debarred from many of theirs, which he considered to be altogether unfair. The hon. member for Peel had mentioned the case of the Mississippi as parallel with that of the St. Lawrence. He (Mr. Smith) could find no similarity between them. In the case of the Mississippi there had been an old dispute. In 1763 Canada was ceded to England, and Florida at the same time. In 1783 a treaty was made with the United States, and England then restored Florida to Spain. Subsequently the United States bought Florida from Spain, and Louisiana from France. After that purchase they denied the right of France to navigate the Mississippi; but he could find no authority to show that they denied it to England.

Hon. Sir GEO. E. CARTIER—the same rule applied in the case of England.

Mr. SMITH denied that it did. England was allowed to navigate the Mississippi after it had been denied to France; but the Americans claimed that the war of 1812 abrogated the right, and there the matter had rested ever since. He contended further that, when the hon. member for Sorel endeavoured to show that England had no right to the rivers named in the Treaty, because the territory of Alaska was ceded by Russia to the United States, he had no authorities in support of that position. With regard to the navigation of the St. Lawrence, he conceded the point that it was no injury to Canada. It was the duty of every country to encourage the carrying trade of another. It would be a benefit to Canada to bring the great trade of the West through our canals, but to give up forever the sovereignty of that river to a foreign country was a serious matter. It would be no injury to this country to allow the Americans to use all our arteries of communication on the same basis as ourselves, but it would be too much to give them that privilege for ever. Why was it, if this was a benefit to us, that it was not equally a benefit to the United States to have the same thing done there? Had we found that they had agreed to allow us the use of their canals? No; they had expressly excluded us from all their canals except those bordering on the St. Lawrence. He had no doubt that England had a right to concede the navigation of the St. Lawrence without our consent; but he could not have believed that such a course would have been followed without our consent. He believed that the Treaty was altogether unfair

to the people of Canada, and he entirely coincided with the views expressed by the Government in their minute of 23th July to that effect. That minute had expressed the true feeling of the people. The Government had seen fit to change their views on the subject, and as he had stated before he believed that the change had been brought about from the fact that the necessities of the Empire had required that we should make the sacrifice. He could not think that they had changed their minds simply, as would appear from the papers before the House, because England had given us a guarantee. He thought otherwise of the hon. gentlemen. The United States had disclaimed all liability from the Fenian claims, and England had assumed the liability, thereby becoming the debtor of Canada. The disputed questions which existed before the Treaty existed still. Looking through the protocols he could not see that any effort had been made to settle the question, and after a lapse of a year it would be again revived. He could not concur in the mode of determining the respective value of the fisheries of Canada and the United States provided by the Treaty. He thought that it would be more to the interests of the Dominion if an annual sum was paid during the continuance of the Treaty. He doubted if the English Government would give notice for the termination of the Treaty at the end of twelve years. The correspondence merely said that they would have due regard to the expressed opinions of both Houses of the Canadian Parliament. Treating the matter in a broad and patriotic spirit he considered it desirable and expedient that Canada should accept that Treaty. If accepted, the Province of New Brunswick should be allowed some equivalent for the loss she would sustain by the abrogation of the export duty on lumber.

Hon. Mr. CHAUVEAU spoke in French in reply to Mr. Dorion. That hon. gentleman had not objected to the Treaty, but the conduct of the Government in demanding the guarantee. The position of the Premier at Washington was, that he was bound to look at the interests of Canada as connected with Imperial interests. He had to look at the position of Canada in respect to the Empire. The only reason which the hon. member had brought forward for opposing it was that England was to be despoiled by the guarantee that we asked. England, who was quite willing to give it; England, who had power to redress our wrongs; England, who alone had the power to demand reparation from the people of the United States, had failed

to do so, and had agreed willingly to make up for the failure by giving us a guarantee.

Mr. BAKER merely wished to direct the attention of the House to two points; first, the position which the Minister of Justice occupied, he would not say as a Canadian Commissioner, a position he was not called upon to occupy; and secondly, the general opinions which should guide members in arriving at a conclusion on this important subject and discussion. The argument was laid before the House by the member for North Lanark, and afterwards elaborated by the Minister of Finance and the member for Peel, and had never been answered; he meant the argument that the Premier was an Imperial and not a Canadian Commissioner. He asked when England had ever delegated to a Colonial Commissioner the right to deal with matters of Imperial concern? If hon. gentlemen could not produce an authority for their statement, they must hold their peace. With reference to the omission of the Fenian claims, he might say that the county he represented had suffered pecuniarily from the raids, and they felt that some reparation should be demanded for the outrage; but instead of that the United States refused to make reparation. This was bad enough, but it was rendered worse by the statement of the member for Lennox on a previous evening, that the country was only saved by the imbecility of its invaders, which was an insult and slander to the gallant defenders of the country, and to the memory of the gallant lads who fell at Ridgeway. He had always considered that the fisheries and the navigation of the St. Lawrence were the most powerful means of obtaining reciprocity. The Imperial Government had, however, withdrawn the Fenian claims in the interests of the Empire, and it was not expedient that the Treaty should be rejected. He read a letter from a constituent stating that the interests of Canada were sacrificed in the cession of the fisheries; but there were other interests to be considered, and he would not fly in the face of the interests of the Empire. That man, though unlettered, had shown a keener appreciation of the question than had been shown in the four hours' oration of the hon. member for West Durham, and greater patriotism also. That hon. member had invoked the God of Battles and the God of Truth, and if he desired to multiply his deities he trusted he would call to his aid the God of practical political wisdom, and the God of common sense. The hon. gentleman had claimed to be the guardian of England's honor;

that honor had been kept by the guardian of the Empire; he preferred to leave it there. The argument of the member for Chateaugay had convinced every one that it was their duty to vote for the bill.

Mr. McDONALD (Lunenburg) rose at one o'clock and moved the adjournment of the debate (Cries of "no, no.")

Hon. Sir J. A. MACDONALD objected.

Hon. Mr. MACKENZIE said it was not possible at this late hour ("Yes, yes.") It was not to be expected that members who had been attending to business in the House for fifteen hours could sit up longer or continue this debate, and he for one was not going to do it. (Cries of "Go on.")

Hon. Sir J. A. MACDONALD said the hon. gentleman was unreasonable. The debate had now gone on for five nights, and should be brought to a close. He appealed to the House and asked for a division to-night. (Cheers.) The hon. gentleman had agreed last night that there should be a vote to-night.

Hon. Mr. MACKENZIE denied that he had assented to that. He was willing to do anything to facilitate the business of the session; but he did not think it possible to bring the debate to a close to-night. (Cries of "Yes, yes," and "Go on.")

Mr. McDONALD then proceeded with the debate. He said that he had never, from the first day on which the Treaty had been published, changed his mind in regard to it. From the first he regarded it favourably as a settlement of a difficult question, and as a measure which might, he thought, ought, and would secure the sanction of the House. He admitted that it did not combine all that the people of Canada would like to receive in the way of concessions from our neighbours; but, taking it all in all, he looked upon it as an exceedingly good mode of settling differences which were difficult in their nature and might have become dangerous to the peace of both countries. (Hear, hear.) The county he represented was all but unanimous in its favor; and the interest that was felt in it might be judged from the fact that it had 632 boats engaged in the inshore fisheries; 92 schooners employed in the deep sea fisheries; and 147 vessels partially engaged during the year in fishing, the whole giving employment to two thousand men, who received their livelihood solely from the fishing business. It was of vital importance to them that the fishery articles of the Treaty should be ratified, because they believed that they would then be placed on a much better footing than they occupied at the pre-

Hon. Mr. Chauveau.

sent time. (Hear, hear.) Not only were his constituents deeply interested, but the whole people of Nova Scotia were immediately concerned. He read from statistics to show the magnitude and importance of the fishing interest, the number of men it employed, and the value of the products. There was an important consideration which had been overlooked in weighing the advantages and disadvantages of the Treaty, and that was that the removal of the American duties on fish and oil would encourage the purchase of vessels in the provincial ports, where the cost of construction was much less than in the United States. It was true they would be unable to obtain American registers, but if they caught fish in American or British waters, they could take them into American ports, and sell them on equal terms with fish taken in by American fishermen in American vessels. He considered this a very material point in the discussion, and he believed that Americans would largely avail themselves of the opportunity which would thus be offered of retaining vessels at much less cost than they now paid. (Hear, hear.) He was surprised at the assertion of the hon. member for Halifax that the American market was of little value to us, and at the statement that frequently prices on that market ruled lower than in Nova Scotia. The hon. gentleman had mentioned a case where a merchant of Halifax had gone to the United States and purchased fish for export to the West Indies, because he was able to procure them there cheaper than in Nova Scotia. He (Mr. McDonald) considered that statement a disingenuous distortion of the facts; for he denied that the normal condition of the trade was such as that statement implied. The hon. gentleman knew that for ordinary mackerel, Nos. 1 and 2; we had literally no market except the United States, while, for an inferior fish, No. 3, we had a market to a small extent, further south. It was possible that there had been some purchases in the United States by Halifax merchants, but they were novel exceptional circumstances. In one case, the facts were that a portion of an almost unsaleable consignment had been purchased in Boston for four or five dollars per barrel, and shipped to Cuba; but the purchaser had a vessel to arrive from that island with sugar, which had gone to Boston to secure a return freight, and not to make purchases of fish. He happened, however, to meet with the remains of a cargo which had been in store for fifteen months, and bought the fish, although of an inferior character, because they could be used as part of a re-

turn cargo to Cuba. That was the substance of fact upon which the hon. gentleman had based his statement that the market of the United States was of little value to us, because the price of fish there was sometimes lower than in Nova Scotia. (Hear, hear.) He (Mr. McDonald) justified the statement made by the President of the Council, that a saving of quite \$500 000 or \$600,000 would be effected by remissions of duties to Nova Scotia fishermen. The member for Chateauguay had denied that statement, but he (Mr. McDonald) read from returns to show that the amount of duty levied on Nova Scotia fish in the United States was fully equal to the sum stated by the President of the Council. Under the Treaty our fish trade would be immensely larger than it was at present. Although slavery had been abolished the negro, had not, and they, with the poor whites in the South, consumed largely of our fish, and we should do a very large export business when the prohibitory duties were removed. He was surprised to find gentlemen now clamouring for a protective policy which they were denouncing a few years ago. He read copies of extracts from journals which only a year and a half ago had advocated the protection policy, and even they were willing to admit the Americans to fish without any restriction except that they should take out a license, as they admitted we should have more than an equivalent in the increase of trade. The fisheries had not been transferred to any foreign power; we still had absolute control over them; our republican neighbors were only admitted for a certain time to fish side by side with us, the right, however remaining with Canada; and this was what the people of Nova Scotia advocated only a short time ago. The House of Assembly of Nova Scotia, which met in May last, did not object to the Treaty. No man in the Legislature there dared say it was unjust. They had no word of complaint to make, and had there been a desire to censure the Dominion Government in this matter, they would have been only too glad to have done so; but by their silence they had given consent, and knew they would be doing one of the most unpopular things by objecting to it. He denied the assertion of the hon. member for Halifax that none but the Annexationists of Nova Scotia were in favor of the Treaty. The people of Nova Scotia would look upon the passing of it as a boon to their fishing interests. The coal or lumber trades would not be injured, and we should have a guarantee that all matters of difference between the United States and us would be settled permanent-

ly on their own merits and on a satisfactory basis. For these reasons he would oppose all amendments tending to defeat the ratification of the Treaty. (Cheers.)

Mr. FORTIN said that the expressions he uttered last year, when the fisheries question was under discussion, had formed the basis of this argument. He reviewed the history of the fisheries, and argued that, if the Treaty should be ratified, the Americans would gain 2,000 miles of fishing coast, while Canadians would gain only 300 miles. If foreign fishermen were allowed to fish in Canadian waters, Canada should get compensation equal to what they give, and that compensation should be especially for the benefit of the maritime people. By the Treaty of Washington they did not get that compensation. He would not undertake to speak for Nova Scotia and New Brunswick generally, but only for the County of Gaspé and the neighboring coast. Gaspé had 270 miles of coast, and a population of 2,500 fishermen, and he could speak of that without being considered selfish. He had heard some gentlemen in the House say that, by the Treaty, the fishing interests would be benefitted; but he could not agree with them. The American Government had, during the last fifty years, expended about seven millions of dollars in encouraging and developing the fisheries. On account of the superior equipment of American vessels, the Canadian fishermen could not compete with them, and he feared that the operation of the Treaty would injure in a very material way the interests of the maritime population of the coast of Canada. Some gentleman had referred to the Maritime Islands, but in these waters Americans had equal right with Canadians. He had reflected seriously upon the matter, and did not believe that the ratification or rejection of the Treaty would affect the settlement of the *Alabama* or any other questions in dispute between Great Britain and the United States. He had come to the conclusion that he would vote against the ratification of the Treaty, but could not accept the amendment of the hon. member for North Oxford, nor yet that of the hon. member for West Durham.

Mr. STREET said that great irritation and annoyance had prevailed in his part of the country, where the Fenian raid had taken place, in consequence of the non-allowance of the Fenian claims by the United States. The people on the Niagara frontier had hoped that the American people would have been called upon to allow those claims, in order that they might be reminded of their duty towards a friendly neighbor; and he regretted

that they had not been pressed. He would state, however, that none of the sufferers were in want of that compensation which was due to them, for the Government of Canada had promptly sent Commissioners to ascertain the extent of the injuries sustained, and remunerated the sufferers. Although it might not be satisfactory to some of them, yet they, being loyal and true to the British Crown, would be ready to accept the Treaty notwithstanding the objection he had alluded to. He had heard all the arguments against the Treaty, and, although it was objectionable in some of its clauses, he had come to the conclusion that in the interests of this country and the Empire we ought to accept the Treaty. He thought the opening of the St. Lawrence to the American trade was just what this country required, and if we did not get that trade there would be no necessity for enlarging the canals. They were large enough for our purposes already. Other advantages were secured which had previously been doubtful. There was the bonding system, as to which there had always been great alarm that it might be cut off, when, in their present position, they would be left without any suitable port which they could approach for the purpose of importing goods during a very considerable portion of the year. By the time the period had expired, if Canada had progressed, as he believed she would, and had peace and harmony, she would make such progress and such advancement as that she would have her own communications with the ocean, and would no longer be dependent on the bonding system. It was not his intention to go over the other arguments, because it was too late, also because they had already been dealt with. Viewed as a whole, however, it appeared to him that the Treaty ought to be accepted. He believed England had put herself to serious inconvenience, and in consequence of the vulnerable position of Canada, she had ceded much for the sake of peace. As Canada is a part of the Empire, we must take this good with the bad, and if she has to make sacrifices under the Treaty, it was our duty to do so cheerfully. It had been said that all the opposition to the Treaty came from Ontario. No doubt some from Ontario were opposed to it; but there were also many in its favor, because they wanted to do an act of justice to the Maritime Provinces, the members from which had shown how advantageous the Treaty would be to those Provinces. He looked upon it as a great Imperial question, and he hoped that, when it

Mr. McDonald.

came to be voted on, there would be a large majority in favor of the Treaty, and that the vote would be taken that night. The discussion had been full on both sides of the House and all the members were as well informed as they could be, and he hoped that, after the question had been disposed of, the business of Parliament would be proceeded with in the ordinary manner.

Mr. SCATCHERD said members from the Maritime Provinces and British Columbia had spoken of the advantages the Treaty would afford to their Provinces, but that was not the ground on which the Government offered it to the House. The Treaty was presented as not acceptable until the guarantee was promised by England. For many years he had heard of the value of the fisheries, and last year the Minister of Justice had said that the right to fish within three miles of our shores could not be ceded away without the consent of Canada. The Treaty was signed in May, 1871, and in June the Government in their despatch spoke of the Treaty as most objectionable, because there was no adequate compensation for the fisheries. Great stress had been made by the Government on the money consideration. The Minister of Justice had stated that Parliament was free to accept or reject, and therefore the real question to be considered was whether Canada secured adequate compensation for the rights she ceded away. He believed not. He referred to the remark of the Minister of Finance that the howl arose from the Grits of Ontario, and said it was those very Grits who, placed him in Parliament and power. He believed it was in the interest of the country that the Treaty should be rejected.

Hon. Mr. ANGLIN moved the adjournment of the debate.

This was opposed, and on motion to call in the members,

Hon. Mr. MACKENZIE passed the adjournment, and said if the debate was not adjourned there would be no division, for many members desired to speak, himself among the number.

Hon. Mr. HOLTON hoped the Government would accept the motion for adjournment. When it was understood last night that there would be a division to-night, it was not known that the Minister of Militia would occupy the House.

Hon. Sir JOHN A. MACDONALD said there had been an understanding that the debate should close to-night, and he would not have kept the House so long but for that understanding. There would be other stages of the bill at which discussion could

take place, and he thought it would be preferable to get on with the measure.

After some further discussion, in which Mr. Blake and Mr. Mackenzie still pressed the adjournment,

Hon. Sir JOHN A. MACDONALD agreed, both sides agreeing, that the debate should close to-morrow.

The House adjourned at 2.50 a.m.

SENATE.

THURSDAY, 16th May, 1872.

After presentation and reading of Petitions,

PETITIONS.

Hon. Mr. SANBORN—From Committee on Standing Orders and Private Bills, reported favorably on Petitions of Louis Archambault of Quebec; of D. McInnes and others; Canadian Suspension Bridge Co.; G. E. Archer and others; D. A. Macdonald and others of Alexandria, O.; T. Reynolds and others; W. McMaster and others; Committee reported petition from Chatham Board of Trade as belonging to jurisdiction of local legislatures.

MESSAGE.

Messages were received from House of Commons with Bills respecting securities given by officers of Canada, Dominion Notes, G. T. R. and International Bridge Companies. These Bills were read a first time.

WEIGHTS AND MEASURES.

Hon. Mr. GIRARD asked whether the Government intends to give the Province of Manitoba, a law regulating weights and measures, or to extend to that Province same laws and provisions on the subject of weights and measures as are in force in other parts of the Dominion, and to appoint Inspectors of weights and measures there.

Mr. CAMPBELL replied that it is not the intention of the Government to establish the same laws in Manitoba during the present Session, but they hoped to establish a perfect and uniform system for the whole Dominion when the next Session meets.

POSTAL FACILITIES.

Hon. Mr. GIRARD again made the following enquiry and urged the attention of the Government to the subject which is of much importance to the Province he represents, where there is considerable difficulty found to transmit money, especially in small sums:—Whether the Government

intends to complete the organization of the Postal System in Manitoba, by establishing therein a Money Order Office or Money Order Offices and a Savings Bank Office or Savings Banks Offices, such as are established in the other parts of the Dominion.

Hon. Mr. CAMPBELL replied that the Government had every disposition to meet the wants of the people of Manitoba in every particular, and would pay attention to the postal requirements of that Province at the earliest date possible.

PUBLIC LANDS.

The House then went into Committee on Bill respecting Public Lands. - Hon. Mr. HAMILTON in the Chair.

Hon. Mr. GIRARD said in French that he naturally felt great interest in the measure, affecting as it did the people of his own Province. He had looked carefully over the Bill and had no objection to many of its details, but there were certain features which he did not approve of and which he thought required modification and amendment. He proceeded at some length to state his objections, and read some amendments which, whilst they did not affect the principle, materially affected the details of the Bill.

Hon. Mr. LETELLIER DE ST. JUST proposed that the hon. member have his amendments printed, so that the House might be in a position to undersand their actual tendency.

Hon. Mr. AIKINS agreed to go on with those clauses to which there was no particular or valid objection.

Hon. Mr. CHRISTIE said the Bill in respect to homestead principle was really more liberal than the American law.

In answer to an objection raised by Mr. Girard to the 18th clause respecting those Townships reserved to Indians, Hon. Mr. AIKINS explained that when the Hudson's Bay Company transferred their rights, they were entitled to receive 5 per cent. of the lands of the Territory. The Company adhered to the right, and the Government had no option in the matter.

Clause 22 respecting Educational endowment having been read,

Hon. Mr. BUREAU proposed an amendment dividing the lands among all religious denominations for separate school purposes, in proportion to their number.

Hon. Mr. AIKINS explained that such a provision could not properly be incorporated with the present Bill which simply set apart the lands as an endowment for purposes of education.

Hon. Mr. BUREAU agreed to defer his amendment until another stage in the pro-

ceedings, stating that he wished to have lands in question disposed of according to certain principles.

Hon. Mr. GIRARD suggested that the land should be under control of Trustees or School Commissioners of sections where they may be, who would keep them for education, but would not have authority to dispose of them except through an order in Council.

Hon. Mr. AIKINS explained that such provision was superfluous in present Bill.

Hon. Mr. LETELLIER DE ST. JUST thought the means of assisting Education should be entrusted to the Local Government.

Hon. Mr. AIKINS said, that it rested with the Parliament hereafter to say what shall be done with the lands.

In reply to Hon. Mr. SANBORN,

Hon. Mr. AIKINS stated that one dollar per acre, would be about the same as that fixed to land in Minnesota; the Government thought that the price would deter persons from buying for mere speculative purposes.

Hon. Mr. SANBORN hoped, when village lots were laid out in accordance with clause 31, care would be taken to reserve space for market places, cemeteries &c.

The Committee rose and reported progress.

AFTER RECESS.

The House again went into Committee on the Bill.

Hon. Mr. BOTSFORD, in reference to the 31st clause, thought the upset price should be fixed on village lots, which may be sold at private sale.

Hon. Mr. AIKINS said the principle generally laid down by the Government was to sell by public Auction, but it was deemed advisable, in certain cases, to allow a choice of selling by private sale.

In reply to a suggestion by SENATOR FLINT Hon. Mr. AIKINS replied that there was no intention of having cemeteries in villages that might be laid out.

The pre-emption clauses were amended so as to merge them into the homestead system, in accordance with the principle to be adopted in the United States.

Hon. Mr. SUTHERLAND urged in strong terms the claims of a class of persons who were not considered in the arrangements with respect to the lands of Manitoba. These persons were living on very narrow strips of land, and many of them would be obliged to leave. During the recent troubles no men had acted more patriotically than this class of persons whose claims had been ignored. It was a great

Hon. Mr. Girard.

injustice that the people in the section where he himself lived should have been forgotten in the allotment of grants of land. He did not blame the Government but was under the impression that the rights of these people who were the pioneers of the settlement had not been sufficiently pressed on their attention.

Hon. Mr. MacFARLANE urged the claims of these people to consideration.

Hon. Mr. AIKINS said it was open to these or other settlers to get 160 acres of land on payment of a small fee.

Hon. Mr. SANBORN said then they were not placed in any better position than new settlers.

Hon. Mr. LETELLIER DE ST. JUST said that these people were not treated as well as those who belonged to his own nationality, and expressed the hope that their claims would receive attention. Such a concession as that suggested would tend to the harmony and happiness of the whole community.

Hon. Mr. GIRARD said that if the Government adopted the suggestion they would do what would be satisfactory to all classes of the population of Manitoba.

After some remarks from Hon. Mr. BENSON to a similar effect,

Hon. Mr. AIKINS replied that he would take the matter immediately into consideration.

Considerable desultory discussion arose on that part of the 34th clause which did not allow a settler voluntarily relinquishing or abandoning his claim, to make a second entry. After remarks from Hon. Messrs. Christie, Flint, Skead, and others,

Hon. Mr. AIKINS agreed to amend the clause so as to allow the second entry.

In reply to an amendment proposed by Hon. Mr. GIRARD with reference to hay lands, 36th clause,

Hon. Mr. AIKINS stated that the question of hay land would be dealt with during the present season, and the right of common would be ascertained. Those who have the right of hay or common would get their consideration in land.

In clause 45 respecting coal lands,

An amendment was adopted on the suggestion of Hon. Mr. LETELLIER DE ST. JUST, allowing mine to be forfeited in case parties cease to work them for six consecutive months.

Hon. Mr. GIRARD urged that the Province of Manitoba should be exempt from the provisions of the 48th clause:—"Any tract of forest land covered by forest timber may be set apart as timber lands and reserved from sale or settlement."

Hon. Mr. AIKINS explained that such

an amendment was unnecessary in a Province situated like Manitoba.

Clause 65 respecting Slides having been read

Hon. Mr. LETELLIER DE ST. JUST asked if provision should not be made to prevent saw dust being thrown into rivers.

Hon. Mr. AIKINS said the Local Government would have regulation of such matters.

The Committee went through 74 clauses, rose, reported progress, and received leave to sit again.

The House adjourned at a quarter past 10.

HOUSE OF COMMONS.

THURSDAY, May 16th, 1872.

The SPEAKER took the chair at 3.20 p. m.

After routine,

THE TREATY BILL.

Hon. Mr. ANGLIN resumed the debate upon the second reading of the bill to give effect to the Treaty of Washington. He said that, although there could be no doubt of the result of the debate, yet the responsibility resting upon every member was of the most serious character, and therefore he thought that, on considering the question, they were one and all bound to look at it in all its aspects, not merely in its bearing upon the Dominion, but upon the interests of the Empire at large. Before he proceeded he would protest against the effort that had been made by one member of the Government, and by others in the House, to accuse those who took objection to the Treaty of being actuated by party motives. The hon. President of the Council should have been the last to have taken that course, for that gentleman had, on the very day he believed that this Treaty was signed, in an address to his constituents, demonstrated the importance of obtaining for Nova Scotia through those negotiations, and by the proper disposal of the fisheries, a renewal of the Reciprocity Treaty, not reciprocity merely in the matter of fish, but such reciprocal trade arrangements as would open the markets of the United States, as well to fish as to coal and agricultural products, and stone, and other articles previously exported from Nova Scotia free of duty. That same gentleman some time after the Treaty had been published, after there had been ample time for consideration, became a party to the

minute of Council of July 28th, in which, in the strongest terms, he condemned the Treaty as unjust to the Dominion; and now we find him urging that Treaty upon the acceptance of the House, because, as he alleged, it was essentially a good and profitable bargain. He (Mr. Anglin) would not undertake to say what had produced that extraordinary change of view; but that hon. gentleman should not have charged any one, after the course he had taken, with acting from party motives in the case. He (Mr. Anglin) disclaimed for his own part any such motives; in fact, he did not know how party interests were to be served in this particular matter. He took a somewhat different view of the Treaty from any that he heard expressed, and he would review the circumstances antecedent to the negotiations which led to this Treaty. In the session of 1871, when the papers were brought down, he was somewhat pleased at finding the extraordinary zeal on behalf of the interests of the Dominion displayed by the Government of the Dominion. He was astonished to find that they had pressed upon the Imperial Government with such earnestness for a settlement of a question which, although an important one, was not then engaging the attention of the people of the country. The Hon. Minister of Justice, in a speech introducing this subject to the House at that time, had told us that the fishermen were insisting on a settlement of the headland question. He (Mr. Anglin) represented a community largely engaged in the fishing business, and he had never heard that this headland question was pressed in any way, either by the fishermen or by the merchants engaged in the business, and therefore it struck him as extraordinary that the Government should at that time have shown such zeal in pressing that question. He was also surprised at the course they took to protect the fisheries; their instructions, and their policy, and the conduct of their officers was of the most extraordinary kind. The people of Nova Scotia and Prince Edward Island during the existence of the Reciprocity Treaty and after its abrogation—the price of the various materials had become so high in the United States—were in the habit of supplying American fishermen with a very large proportion of the material required for their business, and the trade was found to be a lucrative one. Well, these six fast sailing schooners, assisted by the cruisers of Her Majesty, were employed not so much in protecting the fisheries as in driving away the trade from Prince Edward Island and the Strait of Canso;

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and his idea was that this policy had been adopted to harass the Island of Prince Edward, and compel them to come into the Confederation. He could not imagine to what else the policy of the Government tended at that time. Prince Edward Island was then largely engaged in the fishing business, and some of the vessels employed in it were seized because, although they were registered in the name of British subjects, they were held to be the property of American citizens, and they were captured, although those people were residing in the Island and doing business there. It was also the habit of Americans to land at Charlottetown and other ports, and ship fish there for the American market, taking them free in American bottoms. That trade greatly benefited our fishermen, but it also was put an end to. His impression then was that these measures were dictated entirely for the purposes of coercing Prince Edward Island into the Confederacy. His feelings upon that point, however, had been greatly shaken, when he saw the report of the debate in the House of Lords which the Finance Minister had quoted some days ago. In that debate Earl Granville had given a full and minute account of the manner in which the negotiations with the United States in regard to the *Alabama* claims had been reopened. After setting forth what had occurred before his acceptance of office, the noble Lord had said that he had carried out strictly the policy of his predecessor, which was a policy of quiet acceptance of the position. That policy had been carried out till the autumn of 1870, when certain circumstances occurred which rendered it necessary that the British Government should review the position of England with regard to the other States of Europe and the great powers of the world. That review forced the Government to the conviction that something had to be done to establish better relations with the United States. The noble Lord had then gone on to tell the House that he had received letters of various kinds from persons resident in the United States, which assured him that a great change was going on in popular feeling in that country, and that, though the people felt hurt and aggrieved at the manner in which they had been treated by England, nevertheless, there was a growing desire among them that a final and satisfactory settlement of all difficulties should be arrived at. Still Lord Granville had not been satisfied with these assurances, for he had told the House that he had made further inquiries, and that he had also

employed a gentleman who was familiar with the United States, and had a complete knowledge of the people, to ascertain, in a perfectly confidential manner, what their real views were upon the subject. The result of these inquiries, the noble Lord had stated, was to satisfy him that there was a strong feeling in the United States in the direction of an amicable adjustment of the differences between the two countries. This was the substance of what Lord Grenville had stated in that debate, and he (Mr. Anglin) would not detain the House by reading the exact language employed. Well, about this time, when these inquiries were in progress, the Postmaster-General of Canada made his appearance in the Colonial Office. There was a strange coincidence in this, and he thought it was a fair inference that the British Government, with that wisdom which characterized them in many of their proceedings, saw that here was an opportunity of providing what they thought was the best mode of introducing the subject of the *Alabama* controversy. He (Mr. Anglin,) with that coincidence before him, had a strong suspicion that the extraordinary demand then made by our Government had really been put forward at that juncture in order to carry out the peculiar views of Lord Granville as to the means of renewing at Washington the negotiations respecting the *Alabama*. Taking into account then, the extraordinary fact that Mr. Campbell had appeared in London at that time, it did seem to him (Mr. Anglin) that, from first to last, this House had not been treated with that frankness and confidence which the representatives of four millions of people, who were asked to sacrifice their rights for the welfare and happiness of the Empire, should be treated; but rather that they had been treated in a manner which certainly did not call for any such sacrifices on their part, and which tended, on the contrary, to make them take a local and selfish view of the whole matter. (Hear, hear.) The Finance Minister had said that he "regretted exceedingly"—that, he (Mr. Anglin) thought, was the expression—that the larger question of the *Alabama* claims had been mixed up with the fishery question. The hon. gentleman had also said that the Government had felt it to be a cause of embarrassment that the gentleman who filled the place of First Minister had been appointed upon the Commission. He (Mr. Anglin) did not suppose that the Finance Minister was aware of what was going on at that time and that the whole of the correspondence respecting the fishery question was really intended to prepare the way for what subsequently took place.

The House knew that information was sometimes concealed by some members of the Cabinet from the knowledge of their colleagues; for had not the Secretary of State complained, on a recent occasion, that he had been kept in ignorance of some of the proceedings of the Government; and had not the Minister of Justice himself in his opening speech, stated that he had received a communication from the Governor-General respecting his appointment as a Commissioner upon the express condition that he was to keep the matter secret from his colleagues? It was not to be wondered at, therefore, that the Finance Minister had not apprehended to what the whole of these proceedings tended; and that he had not fathomed the purposes which underlaid what he had regretted—the mixing up of the *Alabama* question with that relating to the fisheries. If that was a cause of regret to the Minister of Finance, the Minister of Justice had frankly expressed a different view; for he had told the House that he was rejoiced that the fishery question had offered an opportunity which led to the re-opening of the *Alabama* negotiation. Now, if the result of these negotiations had been satisfactory, every member of the House would have shared in that feeling of gratification and would have been equally rejoiced with the Minister of Justice that any sacrifices which it was within the power of this country to make had contributed to the welfare and happiness of the Empire at large. When it had been otherwise, however, when the result had been to make sacrifices uselessly he (Mr. Anglin) could not but feel, in view of all the facts, that we had not been treated with that frankness which was due to the people of this country. (Hear, hear.) As to the position of the First Minister upon the Commission he would not have much to say. Our Colonial condition was such as to render certain anomalies inevitable. The Governor-General of the Dominion was at the same time the agent of the British Government, and the chief of our constitutional system. He was bound to act upon the instructions of the Imperial authorities, and sometimes his duty in that respect clashed with his duty as the head of the Government. It had occurred over and over again in the past, and might occur in the future, when he would have to act rather at the dictation of the Colonial Office than as the head of the Canadian Administration; when he would have to become a partisan on one side or the other, and sometimes have to set all parties at defiance. In the same way, when the First Minister accepted a seat on the Commission he had become an

agent of the Imperial authorities, bound to do what they instructed him to do. That he should have occupied that position while he was the same time Prime Minister of this country, was an extraordinary anomaly in our political system. It was much to be regretted that the hon. gentleman had ever accepted the position. His acceptance of it had done incalculable, immeasurable mischief to the Dominion; but, at the same time he (Mr. Anglin) was free to admit that in accepting it, the hon. gentleman had been actuated by a sincere desire to do what was fair to both countries, loyally to serve his sovereign, and to regard the just rights of this Dominion. (Hear, hear.) He did not believe the hon. gentleman while at Washington had ever thought of betraying our interests. Perhaps, in point of fact, he had betrayed them; perhaps he had yielded to the influences as well as the arguments that had been brought to bear upon him—of that he knew nothing. We were left a great deal to conjecture in that respect, and in the absence of information were compelled to judge by results; but, looking at those results, disastrous to the country as he believed them to be, he still could not persuade himself that the First Minister, while at Washington, had not, to the best of his ability—and no one could doubt the greatness of that ability—and to the best of his power, subject as he had been to such influences, done his duty to his country (Hear, hear.) Whether the hon. gentleman should or should not have resigned his commission when he discovered what was to be done, when he found that the interests of this country were to be injured, he Mr. (Anglin) would not say. In the strangely inconsistent speech which the hon. gentleman had himself delivered in this House, he had stated in one sentence that having accepted the duty he could not have withdrawn from the discharge of it; while a few moments afterwards he had said that, if power had not been reserved to this Parliament in regard to the fishery articles, his name would never have been signed to the Treaty. His (Mr. Anglin's) impression, from what had been said in the debate of last session and from all the correspondence and discussion, was that there was a mass of proof perfectly overwhelming in its character to show that the Minister of Justice, when appointed a Commissioner had virtually been appointed as the representative of Canada. This impression was confirmed by reference to a despatch of Lord Kimberley, who, in presenting reasons for the acceptance of the fishery articles, had stated his belief "that the Canadian people consider that they were

represented on the Commission by a member of their own Government." Now, theoretically, Canada as such had no representation there, for we all knew that every member of the Commission who had been appointed by the Imperial Government was there as a British Commissioner. But was there anything inconsistent in the character of a Canadian representative and a British Commissioner? He (Mr. Anglin) thought not; and while there was nothing in the whole correspondence to show that there was, we had the express declaration of Lord Kimberley, that Canada was represented by a member of her own Government. (Hear, hear.) He would now pass to a consideration of the Treaty itself, endeavouring to avoid ground that had been travelled over already. One of the great merits that had been claimed for the Minister of Justice—one of the wonderful achievements he was said to have performed—was that he had obtained a recognition of the right of Canada to be considered at all in a matter of this kind, and it had been even said that this was the first time a colony had been so considered. Well, in reference to that, it had been shown that in 1854 all the Governments of the Provinces had been consulted and invited to send representatives to Washington, not, it was true, to sit as commissioners or ambassadors, but to advise the representative of Great Britain as to what concerned the people of these Provinces, and what was required for the protection of their interests. Such representatives had gone, and, after the Treaty had been ratified by the two Governments, it was nevertheless reserved for the final acceptance or rejection, not of one Parliament alone, but the Legislatures of all the Provinces. That surely was going as far as if there had been a special clause inserted in the Treaty providing that the question should not be determined until it had received the assent of the Provincial Legislatures. But there was something more in the case. The Minister of Justice had said that when he saw the despatch of Lord Kimberley in which it was stated that the fisheries might be disposed of to the United States for a money consideration, he had felt uneasy, and had protested against it; that the Government here in Canada had also felt uneasy and had entered into correspondence with the Colonial Office, and that then had come the despatch of the 17th of March, declaring that none of our rights should be disposed of without our consent. That despatch—and he (Mr. Anglin) was astonished to find that it had not attracted attention in this

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particular respect—pointed out in the clearest way that such reservation was unnecessary. Lord Kimberley, in urging that the Americans should at once be admitted to our fishing grounds, had said: "The fishery rights of Canada are now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign power." The First Minister had argued that Great Britain, if she felt disposed, had a right to give away those fisheries, and even the very soil of this country. Well, if might was right she had the power; if might was right an Act of the Imperial Parliament would not only dispose of our fisheries, but would transfer the whole of this Dominion to the United States, and override all the protests that the Parliament and people of Canada might make. That would not have been a first instance in which the territorial rights of the people had been given away by the act of a superior power. It was not so long ago since monarchies exercised the right of bartering away parts of their kingdoms; and so too might the Imperial Parliament, without our consent, barter away the territory of this Dominion; but in protesting against that wrong we should have the right which justice, truth, and constitutional law would give us, and that right Lord Kimberley acknowledged. (Hear, hear.) Unless the Imperial Government and Parliament were prepared to disregard all justice they could not have done what it was suggested it was in their power to do. He believed therefore that, although the Minister of Justice had done all he could have done to maintain and guard the interests of this country, he was not entitled to a tittle of credit for the clause that enabled the House to discuss this subject to-day; not, indeed, that the House was free to discuss it entirely apart from undue influences, for instead of being thus free to deal with it, it might be said that hon. members were called upon to accept the Treaty at the point of the bayonet. (Cries of "Oh, oh,") An hon. gentleman had cried "Oh, oh," but he wondered if that hon. member had heard the speech of the First Minister, in which he had painted all the horrors of war as being an almost inevitable consequence of the rejection of this Treaty. He (Mr. Anglin) repeated that they were not in this Parliament legislating freely as the representatives of a free people ought to do. They were here considering a grave matter, deeply affecting the interests of this country, subjected to influence of an overwhelming character, which compelled

this House—two-thirds of the members of which believed the Treaty to be unjust—to accept it or risk the consequences, which compelled many of them to observe a silence more eloquent than words, and to vote in silence for a treaty which every man of them deemed to be an outrage upon the liberty of this country. No, they are not as free as they ought to be; not as free as they had been promised in the House of Lords, when the Queen's speech was delivered, they would be, when it was promised that this House would have full liberty when called upon to deliberate, to accept or reject the Treaty. (Hear, hear.) Coming to the advantages or disadvantages of the Treaty, he might say that while it gave away more than the Treaty of '54 had given away, it secured to us much less in return. It gave to the Americans, he believed, forever the right to fish on our coasts, in return for which we obtain the right to fish on American coasts; but that right he believed to be of very little value indeed to our people. Then as to the surrender of the St. Lawrence, although it had been represented as of no value, if it did not strike at our territorial integrity, all the ideas of national right maintained in the world bore a vast political mistake. It had been said that it was of trifling importance, and that we might as well yield it because the Americans had set their hearts upon it. But he believed that it was a concession of the very first importance. (Hear, hear.) It had been said, too, that we had secured the bonding system. He thought on the contrary, that the Treaty placed the bonding system in a much more precarious position than before. It was now liable to terminate with the Treaty at the end of twelve years, and if we had not at that time lapsed into independence, as one hon. gentleman had expressed it, or become annexed as others apprehended, we should find ourselves face to face with a new difficulty. The United States would probably have fresh demands to make, some new claim upon which they had set their hearts, which unless we conceded, they would put an end to the system. Then it had been said that the privilege of carrying grain from one American port to another, provided it passed over a portion of Canadian territory, was of great value to us. Perhaps it was. He was not sufficiently acquainted with the Western trade to say, but he presumed, having been purchased at so high a price, it must be of some importance. What had we paid for that? Why we had bound ourselves to allow American lumber to pass down the

river to St. John free of duty, and American vessels to pass through our canals on the same terms as our own. But "oh," hon. gentlemen said, "we are very glad to allow these vessels to use our canals, because it builds up the trade of the country." Quite true; but was not the same true of the bonding system of the United States, and of the carrying trade of the world? Was it not true that the passage of Canadian goods over their territory built up their trade, and benefited their people? Why then were we told that the bonding privilege was of so great value to the United States although we had to pay their enormous charges; while on the other hand when we gave a similar right to them it was said it was of no consequence whatever? He did not understand, and he did not think the country would understand, that mode of reasoning. It had been argued by hon. members that the Treaty would confer a vast benefit to the fishermen of this country. His impression was, take it all in all, that, though there might be some exceptions, the fishermen did not want it. He had made it his duty to visit his constituents and hold meetings amongst them for the purpose of ascertaining their wishes with regard to the Treaty. He had explained the whole subject very fully to them, and from end to end of the county, which was largely interested in the fishery business, he had just met two gentlemen who were willing that the Treaty should go into operation. It might be that the fishermen of Guys-boro' and Lunenburg had large vessels, fully manned and equipped, to compete with vessels of the United States; but such was not the case with the fishermen along the St. Lawrence and the Bay of Chaleurs. These fishermen usually fish in small smacks manned by three men and a boy, and even with the advantage of the present protective system they complained of outrages on the part of American crews, who came down in large vessels with magnificent equipments, and sometimes actually drove our fishermen away and took possession of the coast. The American fishermen were frequently reckless, desperate characters, and if their conduct now was a subject of complaint, what could it be when they would have a right under this Treaty to enter our waters and take fish wherever they could find them? (Hear, hear.) He read from the report of the Minister of Marine to show that outrages of this nature had been frequent on the coast, and he had no doubt that, when American fishermen obtained a right to do what they now did stealthily, collisions would be unavoidable, and that

even a larger police force would be necessary than was maintained at present. On the whole he did not believe that the fishermen of that part of the country wanted the Treaty, and he now stood here as representing as large a fishing community as any in the Lower Provinces, to say that the fishermen had no wish to enjoy the advantages which this Treaty was said to give them. But suppose it did as much as its warmest advocates claimed for it, were there no other interests in this wide Dominion that required to be cared for? (Hear, hear.) What became of the great agricultural interests of Ontario, the coal interests of Nova Scotia, the lumbering interests of New Brunswick, and all those vast and varied interests of the Dominion? Were those all to be sacrificed for the sake of the fishing interests, even supposing that they were served by the Treaty? (Hear, hear.) It might be said that this was the best that could have been obtained; but he for one was not satisfied to barter away our fisheries for any such paltry price; and, as far as his voice and vote would go, he would resist the attempt so to dispose of them. He referred to the minute of Council of July 28th to show that the Government had taken as strong a view of the subject as any he had expressed. They had put their opinion into as strong language as was consistent with respect for the authorities whom they addressed. He denied the statement of the Finance Minister that the whole of the opposition to this Treaty had come from the Province of Ontario. When it was first published, a cry of indignation had arisen in all parts of the country, and in the city of St. John the people had gathered together in agitated crowds, and he had scarcely ever seen so much excitement. Nor had the opposition been confined to one party; for the most violent opponents of the measure were gentlemen who had supported the Government from the first day of Confederation. (Hear, hear.) It was not the howl of a party in particular, but the united voice of people of the whole Dominion raised in condemnation. Day after day gentlemen had come to him in the city of St. John, asking what the probability was as to the passing of the Treaty. "Surely," they had said, "the Parliament of Canada was not so bereft of all regard for the interests of the country as to consent to the passage of that measure." He had assured them that it was his conviction that it would be carried into effect, and by a large majority, and his anticipation had been all but realized. The howl, then, was not from any particular party. They

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had got tried of protesting in the Lower Provinces; but he utterly denied, as far as his experience went, that there had been any change of opinion in New Brunswick. [Hear. hear.] He thought that ninety-nine hundredths of the people of the Province would vote for the rejection of the Treaty, if they were asked. The Legislature of the Province, yielding to public opinion, expressing for once in their existence the public opinion of the country, had unanimously passed resolutions condemning the Treaty, and those resolutions now stood on the Journals of the House, unretracted and precisely as they passed. No further expression of indignation would be made, and certainly no resistance would be offered; but public opinion had not changed. They were as ready to acknowledge their duties to the Empire as any other part of the Dominion. [Hear, hear.] The hon. Minister of Justice, in the course of his speech, had claimed merits for the Treaty of a most extraordinary kind, and had frequently contradicted himself. He had spoken of the fisheries as of great value, and had said that the subject was of such grave importance that, unless it was settled, he feared bloodshed would ensue; but afterwards he had told us that they were of very little value to the Americans. He [Mr. Anglin] was sorry that the hon. gentleman should have taken the course of undervaluing our fisheries. The Minister of Justice had seen fit to read to the House anonymous communications of American jurists, tending to show that their rights under the Treaty of 1793 had not been abrogated and he had treated the opinion as if it were a serious matter of consideration, and had boasted that that point had been set at rest by the Treaty. He [Mr. Anglin] repudiated altogether any such claims, and maintained that our rights were without any doubt whatever. While undervaluing our fisheries he (Sir John) had set a great value on the fisheries of the United States, and had stated that the United States could prevent our fishermen from getting mackerel, and could come within three or four miles of our coast and draw all our mackerel away. But if that was possible, he (Mr. Anglin) thought that we would have lost our mackerel long ago. He regretted that the Minister of Justice should have undervalued our fisheries in any way, as it would, no doubt, have its effect upon the arbitration to take place under the provisions of the Treaty for deciding what additional compensation should be awarded us. With regard to the navigation of the St. Lawrence, it had been said that the

speech of the hon. member for Peel had thrown a flood of light on the sophistries of the member for Bothwell. He (Mr. Anglin) had listened very attentively to that speech, but had not found that he had met the argument of the hon. member for Bothwell. He had alluded to a great many authorities which, in his (Mr. Anglin's) opinion, did not meet the point at all. He considered the speech of the hon. Minister of Justice a mass of contradiction. He had no doubt that that gentleman had great difficulties to overcome; but he (Mr. Anglin) thought that the greatest difficulty he now had to contend with was the minute of July 28. It was really hard to understand why that minute of Council was written, or why, having been written, the Government should have come to the conclusion to press the measure before the House. It was said that this Treaty would have the effect of establishing perpetual peace; but in his opinion it was not calculated to do anything of that kind, as it left unsettled the very question which endangered most seriously the peace of this country; and the ministry themselves had so stated in the minute. The Fenian question had been left unsettled; and the headland question, which had been made the pretext for opening negotiations, was also left in abeyance; and this fact would render it impossible for the arbitrators to determine, not merely the value of the fisheries, but what our fisheries actually were. He again alluded to the changed position of the Government since July '71, and could not understand what should have induced the change. The correspondence did not throw any light on the subject. The Secretary of State for the Provinces, in speaking of the minute of July, had called it "an able, eloquent and powerful document," and so it was; but he (Mr. Howe) had said: "After having put those views so forcibly before the Imperial Government, and having failed to convince them, what were they to do?" Before that question could be answered, the hon. gentleman should say what they expected to gain by that despatch. The hon. member for Sherbrooke had framed a very ingenious and plausible reason to account for the change. He (Sir Alexander Galt) had said that the Imperial Government had threatened a severance of colonial connection if the Treaty were not accepted; and but for the action of a member of the House that statement would have been allowed to go uncontradicted. He might well ask what reasons had induced this change of opinion, when one considered the language of the despatch of the 28th July.

It was true the Government had not refused positively to introduce this measure; but they had described it as a measure that no Canadian would dare to introduce to the Canadian Parliament; as a measure repugnant to the people of the country; and as a measure not necessary for the settlement of Imperial questions; and they further ventured to state to the Imperial Government that they had not obtained any advantage that should require such sacrifice on the part of Canada. Why were we required to make that sacrifice now? They were told that fresh difficulties had arisen because of the claim for consequential damages, and that there was danger of another rupture between England and the United States, and that, therefore, we should do all in our power to help England by adopting this Treaty for that reason. He (Mr. Anglin) considered that we should not do so, because ratification would not affect the settlement. If the greater question were not settled our legislation would be worse than useless. We were asked to believe that the promise of the guarantee was in some way or other the reason for the change of opinion. That was not, however, put forward very positively; it was rather insinuated. We were told of the great advantages of this guarantee; that it would save us a large amount of money annually, and would at once place forty millions of dollars within reach of the people of this country. But in his opinion the speculators in rings which were already being formed in connection with the Pacific Railway would get possession of the spoils. But it had not been positively asserted that the offer of the guarantee was the cause of the change of policy, and he considered the position of the Government a most extraordinary one. The Minister of Justice had described, one after another the dreadful results of the rejection of the Treaty; but, according to the position of things, all those results would have been risked if the Imperial Government had not offered the guarantee. He could not believe that the correspondence put the case before the House fairly; it was a case as the Government chose to put it. He had been asked to regard this guarantee as in some way or other to make up the difference between the terms offered for the privilege of mutual fishing in our waters and the great value of that privilege. That had been put forward; but he could not believe that the Government of this country, or any man, would for so mean, so base and sordid a motive as that, accept a treaty previously described as un-

just and injurious to the interests of the Dominion. It was putting the loyalty of the country on the Stock Exchange; it was taking the advantage of the difficulties of England; talking all the time about our loyalty, but taking advantage of her extremity, and, in a manner, putting a pistol to her head and demanding her money. From the terms of the papers it seemed that there was a way which the Privy Council thought their hands would be so strengthened as to enable them to abandon the Fenian claims and introduce the measure to Parliament with a fair prospect of success; and yet this measure was the same that they before deemed unfair and unjust. Hon. gentlemen might smile, but the matter was one for tears rather than laughter. The views he had expressed were his honest convictions, and he would be recreant to his duty and his country if he did not state these views in the plainest language. From suggestions made by hon. gentlemen, England could not mistake their meaning, and how humiliating must it have been to England to find that a measure for the peace of the Empire had to be purchased at the hands of Canada. He quoted from a speech of Lord Cairns, which he said seemed to show that Canada would do England a service if by rejecting the Treaty she should open a way for a new settlement. He had at first intended to oppose the Treaty by a silent vote, but after he got the correspondence in his hands, and found they were asked to dishonour the country, to degrade Parliament, and disgrace the Government, he felt himself bound to declare that he for one would be no party to such a measure.

Hon. Mr. TILLEY said he must say that the hon. gentleman had made a very able and, for him, a very important speech. As a member of the Government, however, he must at the very outset repudiate the statement that had been made by the hon. member to-day, and yesterday by the member for Hochelaga, and which had been repeated over and over again, that the Government had receded from the position they took in the despatch of the 28th July. They stood by that despatch, and it was satisfactory to know that hon. gentlemen opposite recorded their entire approval of the sentiments then expressed. He defied hon. gentlemen to show any inconsistency on the part of the Government. In July the Government occupied the very same position which they occupied during the negotiations at Washington, when they protested against the terms of the Treaty relating to the fisheries. Later they repeated the protest,

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and what more could they do? And now the matter was before them, and there was the utmost freedom of discussion. The Government expressed their dissent from the Treaty. And why? Because they did not obtain the reciprocal trade which was enjoyed under the old Treaty; because the fisheries were exchanged for free fish and free fish oil, and a money value of which they did not know the amount, and also because the Fenian claims were not settled. These were the objections taken by the Government, and they were expressed in language which even the member for West Durham admitted was stronger than he would have been justified in using. The same opinion was expressed by the Government in January; and, as the member for Gloucester had stated, there was then no suggestion of a condition on which the Government would recommend the Treaty to Parliament. The Government recognized the difficulties, of an Imperial and a local character, which might flow from a rejection of the Treaty, and therefore, in the desire to remove those difficulties, they asked for some just and proper settlement of the expenditure in repelling the Fenians from the land. They knew what was the sentiment on the subject throughout the length and breadth of the country; and he believed that, if there had been an absence of such settlement, it would have been most difficult to carry the measure through Parliament. The Government had consulted on the matter, and they considered that, inasmuch as the Imperial Government assumed the responsibility of withdrawing the claims on Imperial grounds, there was some honourable way in which the difficulty could be solved. The member for Hochelaga had termed the arrangement, "base, sordid and mean." He would suppose that that hon. gentleman was a minor, and that as such his father had to transact his business, and that in doing so his father, in consideration of his own interests, found it necessary to sacrifice those of his son. Well, suppose the son, gentleman went to his father and said "You have assumed this responsibility, now pay me, but you can assist me without putting your hand in your own pocket. Your credit is good; endorse my paper; it will be no sacrifice to you, and it will be a liquidation of my just claims." Would there be anything "mean," "sordid" or "base" in that? Nothing of the kind; and if the Government had not secured some such arrangement they would have denounced and condemned them for neglecting the interests of the Dominion. (Cheers.) The

question now was not whether we approved of the Treaty, but whether, in the interests of the Empire and the Dominion it was expedient to accept or reject it. He held that a rejection would endanger the relations of the Empire with the neighbouring Republic. It was well known that, during the last few years, as well as before 1854, there was a possibility in the enforcement of the fishery laws, and more than a possibility, of unpleasant relations arising between the two countries. The hon. member for Halifax had spoken of the excitement throughout the United States in connection with the cutting out of the *Horton*, and every one knew the anxiety that existed on the other side of the Atlantic in reference to the matter. Was it not therefore expedient that the Treaty should be adopted, and so have these dangers ended? The hon. member for Gloucester had spoken of the change of sentiment with regard to the Treaty since its provisions first became known. That change, however, was not so much on the merits of the Treaty but in the expediency of adopting it, and he believed an overwhelming majority of the people of the Dominion would now say "accept." Then, again, would a rejection of the Treaty render the people of the United States more friendly or better disposed to Canada? Would it produce a greater inclination to grant reciprocity? He recollected being at Washington in 1865, when coming in contact with leading men there they told him the Reciprocity Treaty would not be renewed, because, among other reasons, they had an old grudge against Canada for the sympathy she manifested during the civil war, and because they believed the abrogation of the Treaty would bring about annexation. A great part of this feeling, however, had since passed away, and every one who read the United States newspapers would see the wonderful and extraordinary change that had taken place; and if Canada now carried the Treaty into effect, as far as she was concerned, she would remove every vestige of the ill-feeling that formerly existed and that barred the way to reciprocity. There were many in the United States who believed that withholding reciprocity would induce annexation, and he did not hesitate to say that those who expressed themselves in favour of independence had unwittingly done more to prevent reciprocity than any one else. The Government individually and collectively did not approve of the Treaty; but for the sake of Imperial interests, and the sake of maintaining British connection, they were ready to accept

it, and so do away with all ideas of annexation. Looking at the financial aspect of the matter, the member for Chateaugay touched the point yesterday—this speech was one of the ablest he ever delivered—in pointing out the liabilities Canada was about to incur. Setting aside the question of the guarantee altogether, he believed that Canada going into the market to raise a loan of \$40,000,000 on her own responsibility, with all questions of disputes between England and the United States arranged, and with an almost certainty of permanent peace, could gain at least one per cent. better terms than if those questions remained open; and the Minister of Justice had stated that he was not speaking off the book when he said that, if all the questions were arranged Canada would probably receive a guarantee of £4,000,000; so that the Minister of Finance was justified in stating that there would be a saving in that respect of \$600,000. Then again, if all the questions in dispute with the United States were amicably settled, there would be no necessity for fortifications, and so a saving might possibly be effected in the militia expense. Then there would be a saving in the marine police; and he believed, taking all these items into consideration, and adding the amount Canada would receive for the excess of value of her fisheries—which amount ought to be very large—the financial benefit to Canada represented by the Treaty would amount to \$1,000,000 a year. Without enlarging on the subject he desired to place this view before the consideration of the House, and he believed the country would say: "Though the Treaty is unfair, you did right under the circumstances. You have saved us a large amount, and given us additional means for the construction of our public works, and you have discharged your duty." He understood the member for Gloucester to charge that an attempt had been made by the Dominion Government to coerce Prince Edward Island, and that police vessels were sent down there to destroy their trade. When the hon. member ventured such an assertion, he did so without any foundation. The vessels that went to Prince Edward Island were Imperial vessels with Imperial officers and no Dominion vessels were sent at all.

It being six o'clock the House rose.

AFTER RECESS.

Hon. Mr. TILLEY desired to state briefly the points to which he referred before six o'clock. He then went through the arguments he had previously used, as to the charge of inconsistency brought

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against the Government, their action in suggesting the guarantee on account of the Fenian claims, and the withdrawal of those claims by England. He repeated there was nothing base or mean in the transaction, and maintained that the Treaty should be accepted on the ground that it would increase the harmony and good feeling between the United States and the Dominion, and would prevent complications between the Imperial and the United States Governments. They had exerted every influence to obtain reciprocal trade with Canada in order that they might have access to our fisheries; but no, as a body they are against the Treaty. They did not desire to have their markets thrown open. Ben Butler was using every influence he could to defeat the Treaty. Another leading politician from the same section had advocated the giving of bounties. It had been asserted by the member for West Durham that our fishermen would not be in a fair position because the American Government would give bounties. A member of the Government had stated that it was against the spirit of the Treaty to give bounties. He held that the greatest chance of success was in the establishment of kindness and friendly relations with the United States. The masses of the country would desire cheap fuel, and would bring influence upon Congress to repeal the duty on coal; and similarly salt, lumber and other articles; and looking at the bill before them, he could undertake to say that the rejection of the Treaty would certainly not put Canada in a better position. It was of the utmost importance to Canada that she should be on friendly relations with the United States, in view of the loans they required to raise for the public works they had put their hands to. He was in England in 1861, during the *Trent* difficulty, and when the delegation, of which he was a member, endeavored to raise the guarantee for the Intercolonial Railway, they were told by the Messrs. Baring that there would be great difficulty in selling securities for that purpose so long as there was danger of hostilities between Great Britain and the United States. They would remember the difficulty they were in at Confederation, when they had a loan of about two and a half millions in the Bank of Montreal, because Canada could not float her securities. It was not confined to a Government question, but every man throughout the Dominion who owed a pound would be affected by it. Reject the Treaty and they would have to ask the people of Canada to raise from one half to

three quarters of a million of dollars a year by direct taxation for the public works they were about to undertake. He did not hesitate to say that, had he been in opposition, and the Government had come down with the same measure submitted by the Government of to-day, he would have taken the ground of his hon. friend the member for Chateaugay. He would have said that he did not think the Treaty was what they should have had, but it was better to accept than reject it. He would leave the matter in the hands of the House. He was confident that he could go back to his constituents and defend the vote for the Treaty better than if he voted against it.

Hon. Mr. MACKENZIE said that one of the charges made by hon gentlemen opposite on the introduction of this bill, was that the Opposition, probably the member for West Durham and himself, had sought to take exception to the Treaty in order to make political capital. He desired to deal with that point before proceeding to consider some matters that he desired to review in connection with the discussion. The member for Cumberland had endeavoured to show, in order to fasten upon the member for West Durham and himself, that they were controlled by another power, and forced to accept an attitude of hostility towards the Treaty, that it was after certain articles had appeared in the *Globe* that they had taken their course. Within a day or two of the Treaty being made known, they had a consultation and resolved to take the first opportunity of making known those views. He (Mr. Mackenzie) was not able to attend the meeting held on the 18th May in Wellington, but the member for West Durham had done so. On the 19th the first hostile criticism appeared. (Cries of "No, no," from Ministerial benches.) Hon. gentlemen might cry "no," if they pleased; the speech of his hon. friend was reported in the *Globe* on the 19th.

Hon. Dr. TUPPER—The hon. gentleman will find that the speech appeared in the *Globe* of the 20th.

Hon. Mr. MACKENZIE—That might be. He was about to say that on the 18th the resolutions passed by New Brunswick Legislature made their appearance. It was not a point he cared to prove one way or other; what he wished to say was that he knew no man in the whole Dominion who was so well entitled to be consulted regarding political issues as the hon. gentleman who controlled the *Globe*. He had been his personal and political friend for over twenty years, and he (Mr. Mac-

kenzie) would be ill-worthy of being called a friend, if he had failed on this occasion to say that it was a friendship both political and personal, of which any one might well feel proud, and would not hesitate at any time to say he would always be glad, in consulting leading men of the country, to give that gentleman a foremost place. But they had other functions to perform than that hon. gentleman had as member of Parliament. He (Mr. Mackenzie) had some friends around him who were pleased to place some confidence in him however unworthy he might be of that confidence; and, on consulting these friends, or such as were available at the time, he had found that the unanimous opinion was that of hostility to the Treaty. He had taken occasion on the first opportunity, the 5th or 7th of June in West Middlesex, to give expression to his opinions. Those opinions had never been varied. If he was disposed to prove this he could do so from the newspaper, partly owned, he believed, by and under the control of the leader of the Government, who in addition to all his important functions, had become a newspaper proprietor. From these facts the House could easily judge whether they, as a political party, sought to obtain a political advantage from circumstances connected with the Treaty. They did not know what course the Administration might take; but they knew this, that as public men they were bound to take an attitude in relation to that Treaty, and having maturely and carefully considered everything in connection with it, they came to the determination that, as patriotic public men, their duty was clearly to reject the Treaty. The Premier had alluded to his remarks at one of those public meetings, as evidence that he (Mr. Mackenzie) had taken precisely the same grounds that he now took. He had some few facts to look at in considering what we should do now in relation to the Treaty. In the first place, what was the object sought to be attained? The hon. gentleman who had just sat down had discussed the Treaty most fairly from his point of view, unlike the hon. gentleman beside him (alluding to Sir Francis Hincks) who had sought merely to asperse the characters of his political opponents. He (Mr. Mackenzie) looked at the matter in this way: The only point of dispute that could possibly result in war between Great Britain and the United States was that connected with the escape of the *Alabama*. There was no single point of controversy between this Colony, as an integral part of the British Empire, and the United States that could in any possibility result in war.

There was no dispute regarding the position of this country with respect to the three mile limit. That was the view taken by almost everyone who had spoken, except indeed some members of the administration, and notably the Premier, who had spoken of this as a matter concerning which considerable doubt rested in the minds of some people. He had not said that there was any doubt in his own mind, but he had given it to be understood that; because certain parties in the United States had written to that effect, it was a question between the two nations whether we could claim an undisputed right to those territorial limits beyond the coast of our Maritime Provinces. He thought there was no use in wasting time to prove that there had been no dispute since the Treaty of 1818 in relation to that. It had been admitted frankly by the United States on all occasions, and it did not require the present treaty to confirm what never had been doubted. The only point then in dispute between this country and the United States was the question of measurement across the mouths of bays over six miles wide, commonly known as the headland question. True, the President of the United States had in his message, set up an absurd and foolish claim to the free navigation of the St. Lawrence as a natural right; but every one knew who had examined the question of the navigation of rivers, forming either part of a boundary through a country, or flowing into the ocean from the territory of another power, that it was always a matter of treaty. We knew that the navigation of the Danube was a matter of treaty, and we knew that the United States Government could not, according to the accepted interpretation of International Law, have made good the claim that the President had made; and to assume that that was a ground of serious dispute between the two countries was begging the question, and putting an argument into the mouths of those who were hostile to the interests of this country. Then the only question that could by any possibility cause war was the question of the escape of the *Alabama*; and if that was the only point we were reduced to this issue. He knew that it was quite competent for the American and British Governments to accept one part of the Treaty without the other. It was known that the British Commissioners and Government expressly reserved for this country the right to say whether those sections of the Treaty that related specially to Canadian interests, so far as the fisheries were concerned, should be ac-

cepted by us or not, as we pleased. He had assumed at the first that that was done in good faith; he had supposed that it was not a mere empty promise; that it was not intended to keep the promise to the eye only, but also to make it absolutely good, if this house thought it advisable to reject those clauses. Hon. gentlemen opposite had taken it for granted that it would have been a very dreadful thing to reject the Treaty, that it would surely produce ill will. But the American Senate had rejected the Reverdy Johnson Treaty. Had that procured any ill feeling on the part of this country? Was England reduced to a state bordering upon war, because of that rejection? No doubt the English public would expect the ratification of the Treaty, but no Englishman would ever dream of making it a cause of war because the Senate had refused to ratify it. The hon gentlemen opposite had been driven from pillar to post during this debate. He had watched carefully the arguments on both sides, and while there had been much declamation and much argument on questions not at issue, the only point that had really been reached at last was this: that we were obliged to accept this Treaty because there was a fear that if we did not accept it the two nations would be plunged into war. He would say at once 'rankly, that if we were quite certain that the British Government believed that such would be the result, much as he would feel humiliated, it would greatly influence his position; but he knew that it was absolute nonsense to talk in that way. If it was determined by the contracting parties that the rejection of the Treaty by Canada was to be so very serious a matter, then they were bound not to present it to us and have gone through the solemn farce of having it presented for ratification, while they determined it should be ratified at all hazards. He had said that, while he believed that the diplomatic policy of the United States was almost always aggressive, he said also he believed there was a sufficient number of public men in that country who were sufficiently devoted to the cause of maintaining public law, and who would scorn to make such a petty pretence a cause of hostilities. This being the case, as he thought was clearly proved by the admissions of hon gentlemen opposite, and by the fact of its being referred to us, the question arose whether any other considerations were likely to arise which should influence this House in considering the Treaty. He was not aware of any other considerations. There might be some. He had pressed the Government for in-

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formation on that point, but without success. He had been told by the hon. member for Sherbrooke, whose argument was carefully prepared, that he accepted the Treaty because he was positive that something had occurred between 28th July and the 15th April which had necessitated this Government asking that the Treaty, which they had previously declared to be so barren in results to this country be ratified. He had since then had the declaration of the Premier that there was no such pressure, that we were as absolutely free as any person could be in making a choice in the matter, and in the speech quoted by the Finance Minister the other night, Lord Cairns had taken care to point out that, if the consent of the Canadian Parliament was to be obtained, the British Government must not use any pressure, that they must have the advantage of a perfectly free opinion. Were we to have a perfectly free opinion? If we were not driven by considerations that influenced the hon. member for Sherbrooke, who condemned the Treaty; if it was not true that there was such a pressure from the Imperial Government, what were we induced to believe? Why, the only thing that remained was that we were asked to accept the Treaty for the sake of the pecuniary advantages that were supposed to be derived from the guarantee. Anything more paltry or humiliating could scarcely be imagined than to ask us to sacrifice natural rights for a small consideration of money. He would not haggle about the amount, but he would allow the full figure of six hundred thousand dollars per annum. We had the opinions of English journals in relation to this matter. He here quoted from a paper to the effect that it was to be hoped that the Canadian Parliament would fearlessly discharge their duty to their constituents, irrespective of the bait offered to them, and in answer to an hon. member, stated that he was reading from the *Canadian News*. (Laughter.) But even taking the ground of hon. gentlemen opposite, the result would not be just. We had the authority of the gentleman who dictated the minute of July 28th, for saying that even if the Treaty was accepted, it would not remove the cause of trouble. How was that? In one place we were asked to accept it because it would effectually secure feelings of amity and friendship, and remove all cause of trouble; and in another place we were told that it would not have that effect. The results were put in this minute very carefully, first, that the principal cause of difference between Canada

and the United States, had not been removed, but remained a subject for anxiety. What was it that remained a subject of anxiety? Why, every one knew that the only subject of dispute was the headland question, and that that question must be settled before there could be a removal of all causes of anxiety between the two countries. But experience of American diplomacy had been extremely disadvantageous, and it behooves us not to put any trust or confidence in the diplomacy that was constantly exacting and never yielded. But while we knew that on every occasion when a national dispute had arisen between the two countries, those astute diplomatists had got the advantage of Great Britain; when we knew that they had got an advantage at the present moment, while they knew all this, the House was blindly rushing on to place them in a position to demand more at our hands. If we were to obtain exact justice in questions which would arise again between the United States and the Dominion, we must insist upon every atom of our national rights, as they now existed, and he, for one, would not allow any relaxation of those rights, on the mere pretence that our resistance to the exaction on their part was to produce a state of war. He was astonished that the Premier, who did not seem to have resisted the cession of the navigation of the St. Lawrence, had not endeavored to secure to British subjects the navigation of the Columbia River. How was it that that subject was overlooked? It was because there had been a great neglect of Canadian interests in that matter, and we would have a repetition of this whenever a commission was appointed between the two countries, unless we at once took a stand for our rights as a people. It was not necessary he thought, to say anything more about the equivalent received for the navigation of the St. Lawrence, as the hon. member for West Moreland had completely demolished the arguments of the member for Peel on that subject. The American Government had given nothing for that privilege, to say that they had given us the navigation of Lake Michigan was nothing, because we had that before; they had been obliged to give us that navigation to get the use of the Welland Canal. With regard to the coasting trade, he contended that it was of very little value, and that it was only when freights were high that our people derived any material advantage from it. If that part of the Treaty had been in operation last year, he admitted that our

merchants would have reaped very considerable advantage from it. (Hear, hear, from Ministerial benches.) As to the privileges derived from the bonding system, those were contingent upon the Americans obtaining the use of our canals.

Hon. Sir J. A. MACDONALD—No, no, I deny that.

Hon. Mr. MACKENZIE had read the Treaty in that way, and he went on to contend that it was no great advantage to Canadian commerce and the Canadian people would not suffer if it were withdrawn, for in this case the Canadian merchant would send his agent to New York, to which place he imported, and ship his goods to Canada in bond as an American subject. Besides there was no danger of the bonding system being abolished, as the Americans were only too glad to get the carrying trade which it brought them, and no people but madmen would give it up to gratify a foolish rational spite. The hon. gentleman would find, if he looked up the comments upon the President's speech which appeared in the New York papers, that everybody laughed at it as nonsense, and as a silly unmeaning threat. But there was no threat, it merely pointed out that this would be done unless certain things took place. He (Mr. Mackenzie) was not afraid of its being done, and a reason why, if the system were abolished we should not be injured was that with the Intercolonial opened we should be able to take advantage of the ports of St. John and Halifax, and he hoped before long a winter port on the St. Lawrence. He had been amused at the alacrity with which the hon. Finance Minister attacked his old friends, the Reformers, in order that he might show his devotion to his new allies, he (Mr. Mackenzie) supposed.

Hon. Sir FRANCIS HINCKS—Not on these benches.

Hon. Mr. MACKENZIE continued that he had been strongly reminded, while listening to the remarks of the hon. gentleman, of a speech of the hon. member for Lanark. He then quoted from a speech, in which Mr. McDougall had said that the whole burden of certain speeches was "Brown," they were Brown at beginning, Brown in the middle, and Brown at the end.

Hon. Sir JOHN A. MACDONALD—He's "Done Brown" now.

Hon. Mr. MACKENZIE said that some one else would be done brown before long. He then alluded to the speech of the hon. member for West Toronto, who had placed the Treaty in abeyance in order to attack the Ontario Government. He (Mr. Mac-

kenzie) was not here to defend that Government, nor was this the time or place. The hon. gentleman was willing to admit that the Treaty was a bad one, but then Mr. Blake and Mr. Mackenzie had voted more money for railways than they ought to have done. The Treaty ought not to be accepted, the hon. gentleman had said; but then Mr. Mackenzie was President of the Isolated Risk Insurance Company. (Laughter.) That was the course of the argument the gentleman had followed; and yet he had set himself up as a constitutional lawyer. That was the way he had discussed a great national subject, and yet he had presumed to lecture to others on the way in which they should carry on the debate. He would not follow the hon. gentleman, but would endeavour to discuss the Treaty on its merit. Well, what had hon. gentlemen opposite said of those merits? They had said the Treaty was one that would not meet the just expectations of the country; they had said it was one that would not settle even if ratified the cause of difficulty between Great Britain and the United States; they had said that the acceptance of money for cession of territorial rights was repugnant to the feelings of the Canadian people; they had spoken in different parts of correspondence of the dissatisfaction that prevailed, saying that the disapprobation of the Treaty was general, from one end of the country to the other, alike in the agricultural and maritime districts; and yet in the face of all that, without a shadow of proof to show that the Treaty would have the slightest effect in settling the causes of difficulty between England and the United States, they had come down and asked the House to accept it, giving as the only reason that if we did so we were to get a guarantee of two and a half millions. (Hear, hear.) For the sake of this paltry advantage we would have to undergo the humiliation of seeing the correspondence of the hon. gentleman opposite brought down to the English House of Commons, where he could easily imagine with what feelings members would read those passages where the Canadian Government had thrown out hints as to what they were willing to take for accepting the Treaty. It was difficult to say who acted the worst part in this wretched huckstering; the one party that had asked for four millions, or the other that had offered two and a half with which hon. gentlemen had closed. Thus there was only one reason given why the House should accept the Treaty. He admitted at once that we had national obligations to fulfill. He admitted, and he had said before, that we could not ask the British taxpayer to main-

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tain an army in this country, believing we were able to do our fair share in the defence of the Empire, by preserving the integrity of our frontiers. We had taken upon ourselves these obligations, and we were entitled, therefore, to consider matters that related to Canada from a purely Canadian stand-point. He admitted that in certain circumstances we would be obliged, as it would be our duty, to forget the Canadian point of view, and take that view hon. gentlemen had referred to as the Imperial, and which contemplated the interests of the Empire at large as distinguished from Colonial interests. But Imperial interests, if embodied in an Imperial policy, and sought to be forced upon any Colonial possession by the pressure of British ministers, would inevitably produce a feeling that would ultimately result in consequences that he and every man in this House would view with serious concern and alarm. If we were to have a "national policy," to use a word he was almost ashamed to employ, because it had been prostituted to such unworthy purposes, let it be one that would command the respect of all men. Let not this country be treated as a spoiled child, but let us enquire whether the interests of the Empire were such as to call for sacrifices on our part. He had come to the conclusion that there was no such call for sacrifices. We were not asked by the Imperial Government to make them; for, by the terms of the Treaty itself, the whole matter was left to the decision of the Canadian Parliament. He combatted the assertion of the Minister of Justice that the vote of this House in repealing certain duties last year had affected the negotiations at Washington, and pointed out that when that hon. gentleman had denounced those who had voted for that repeal, he condemned many of his own supporters, including some of his colleagues who had sustained that measure. He then alluded to the dissatisfaction that the Treaty had caused among the fishermen, together with resolutions that had been passed concerning it by the Legislatures of New Brunswick and Nova Scotia. He had communicated with leading gentlemen in the Lower Provinces and received replies that satisfied him that nothing had ever been so unpopular in those provinces as the Treaty. He could not, therefore, receive as conclusive the statements of hon. members from those Provinces who declared that the Treaty was acceptable to the fishermen. In any case, whether the fishermen were satisfied or not, he claimed that the people of Ontario had as much right to be considered by the House. They had a

deep and very serious interest in the matter. During two years previous to the repeal of the Reciprocity Treaty, that Province had exported over thirteen millions of produce to the United States. Since that period a vast proportion of that kind of produce had paid tribute to the United States because of the repeal of the Treaty. They believed that right or wrong, so long as we held the gates of the St. Lawrence river and the fisheries, we held a weapon in our hands that would compel a regard for that system of trade which was so convenient, if not absolutely necessary, to the two countries having so long a contiguous boundary. This was the view that had been taken by the Minister of Justice, but he and the Minister of Customs had received new light upon the subject and decried the value of those levers towards obtaining reciprocity in trade. He (Mr. Mackenzie) did not think the reasons that had been adduced by hon. gentlemen were at all sufficient to justify the House in giving its assent to this Treaty, and to that opinion he adverted. While he freely admitted that an occasion might arise when it might become necessary for members of the House to consider what they would have to do for the sake of that political connection which they all believed it advisable to continue, he had almost sickened at the reiterations of loyalty that had found so much room in this debate. He felt loyalty for the British Crown and the British nation. He felt that it was a privilege to belong to that great country; but, while entertaining that feeling, he he could not but remember that there was a patriotism that could not be characterized by that sentimental name of loyalty; there was a patriotism every man must feel who has a country to legislate for, if he occupied a representative's position in the Legislature of that country, and he considered that his position as a Canadian representative demanded of him that he should give his first and best regards to the country he was most deeply interested in. There was a motto which was sometimes used for picnics which was applicable, and while he would quote:—"the subject who is truly loyal to the Chief magistrate will neither advise nor submit to arbitrary measures." (Hear, hear.) And he would say that if this Treaty was deliberately adopted by this House, it would be adopted against the declared convictions of nine-tenths of the members of the House. (Hear, hear.) The consciences of hon. members were decidedly and unequivocally against the Treaty. The hon. gentleman who had spoken last had declared it to be a bad

treaty, and one that met his condemnation, and he had endorsed every word of that now famous Order in Council of 28th of July last. Great Britain had said—"If you think this Treaty a bad one don't ratify it. You know what best suits your own interests, and we have left the whole matter to your own free choice, to accept it or not, as your view of your interests may seem to require." If these things were true why had they been told that they must accept it in the interests of the Empire? (Hear, hear.) When the Empire asked them to accept it in the interest of the Empire it would be time enough to consider in that light. The Empire had not asked it, and if it had, he would feel inclined to discuss the question which was involved in such a concession as this. The question which was involved, as he had stated, was a cession of territorial rights. (Hear, hear.) The hon. member for Peel in the able and eloquent speech he had made upon this subject, had asked if there was really anything so very objectionable after all in this cession of territorial rights; had not Spain, he had asked, and France, and Russia sold colonies to other powers? But there was a difference between a nation selling that part of its territory which was unproductable and unprofitable, and bringing pressure from without upon a people, in order to force them to cede territorial rights, and yield, for a money consideration, property they preferred and desired to keep. (Hear, hear.) He had heard the Secretary of State speak of the Nova Scotia coast as the "ocean farms" of the Dominion; but now the honourable gentleman by this Treaty was forced, whether he liked it or not, to admit a partner to his farms; while he and his colleagues affected to believe that the British Government was pressing upon them to sell one-half of that domain to America in order to purchase peace for England. (Hear, hear.) He (Mr. Mackenzie) did not believe it was necessary to do that, and hon. gentlemen opposite had failed to prove that. Then if it was done, would this country and the relations of the Empire with the United States be in a better position than before? We knew the policy of the United States; the temper and character of its people; and we might be sure that, if this concession was made, within five years some new demand based upon what was yielded in this treaty would be put forth, some new concession would have to be made to the Republic to gratify its insatiable and rapacious maw. (Hear, hear.) He did not, could not believe that England was a party to any such

sacrifice as that. If we were to be compelled to humiliate ourselves in order to satisfy the claims of the neighbouring Republic, he for one would prefer that we should pass out of our present state of existence and take some other political form (Ministerial cries of hear, hear), some form under which we would have at least the right of exhibiting an independent spirit, and not be subject to such control as the hon. gentleman had asked the House to believe was imposed upon us. (Hear, hear.) But he did not believe it, he believed the hon. gentleman opposite had attributed to England intentions she had never entertained; that they had never been authorized to place England in the position in which she had been presented, and that the purpose they had in view was one unworthy of gentlemen representing a young and growing community in connection with a power that was sufficient to protect its subjects on every land and every sea. (Opposition cheers.) That seemed to be the position of the case, and, when he had listened to all that had been said on the question, he confessed that he was still more confirmed in his impression at the end of this long debate that it was entirely wrong, in the circumstances in which we were placed, to act in the way hon. gentlemen opposite had sought to enforce upon them. He regretted the sentiments that had been expressed by the hon. member for Sherbrooke, because he did not believe that that hon. gentleman had truly represented the feelings of the great heart of the people of this country. He did not believe there was that trouble in our future relations if we declined to accede to this demand, which hon. gentlemen opposite pretended to fear; on the contrary, he believed that if we firmly followed out the true policy of preserving with integrity the territorial rights committed to our care in this country, and of maintaining an attitude of perfect independence towards the people of the United States, we should prove ourselves to them to be as capable of as great thoughts and as brilliant a destiny as those who are constantly and loudly lauding about their manifest destiny being to swallow up the entire continent. [Cheers.] He did not believe that even this acceptance of the Treaty, bad as it was, would influence our people in the direction indicated by the hon. member for Sherbrooke; but that it would make a feeling of deep dissatisfaction there was no possible doubt, and where dissatisfaction prevailed it must find expression in some way or other in public affairs. If this Treaty were adopted, as he supposed it would be, [hear, hear].

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it would be for hon. gentlemen to consider in what shape that dissatisfaction would find expression. The whole question had been very fully and ably discussed on both sides, and it was now for hon. members to say whether this Treaty was to become a realized fact in our history. He trusted it would not, and he appealed to honourable gentlemen not to deal with it from any consideration of party. He did not wish to make it a party matter; he wished to have it dealt with on its merits, and although the hon. gentleman opposite was responsible for it as our representative, although his colleagues were responsible with him, and although the carrying of the amendment would be a vote of want of confidence, still, after all, what did it matter? The country would survive, even though this House did declare its want of confidence in the Government, even though these men should pass away, even though most of them in that House were taken away, the country would still live and perhaps not seriously miss them from the rank of its public men. It was of incalculably greater importance than the preservation of a Government or the success of a party, that these feelings should be cultivated which stimulated a buoyant and national spirit, without which no people could hope to achieve a great future. He had endeavoured to take as large a view of the question as possible, a generous view of the liabilities imposed on us as a colony, and as liberal a view of the duty we owe to Great Britain. He believed, judging from all the information he had received, from all the arguments he had heard, and from what seemed to him to be our plain duty in the matter, that clearly the best thing for Canada that could be done by the House was to give a vote adverse to the course the Government had proposed to pursue, to give a vote upon the Government measure that would have the effect of destroying that one sided Treaty, which, if accomplished, would have all the disastrous consequences that the hon. gentlemen themselves had alleged in their minute of the 28th July would be the inevitable result of the Treaty. (Hear, hear.) He then discussed the question of the Fenian claims, remarking that, although he did not care for a money compensation for those claims the country should have received some assurance that the wrongs it had suffered in the past would not be repeated. The Treaty was altogether unsatisfactory on that point; for, while England had expressed regret on account of the escape of the *Alabama*, the United States had no

apology to offer for the escape of land pirates to murder our people. He contrasted this with the conduct of Canada during the American war, mentioning that in order to satisfy the United States Parliament had been called upon to make good the money taken by raiders from St. Albans Banks. He apologized to the House for having occupied so much time, but he had felt that, on this occasion it was desirable that he should speak in the plainest terms the convictions he had attained on this question, which affected so deeply the future of the country. He presumed the Treaty would be carried; it would prove disastrous to the country in more ways than one. He would do his part to discharge his duty whether the Government carried the Bill or not. If it was carried he would bow to the decision of the House, and do the best he could in order to carry on the affairs of the country in that prosperous state they all hoped it would continue in. If the Government carried the bill, as he had no doubt they would, he would be able to refer at some future time to what he had said to-night, in order to show that he at least had raised his voice in protest against this national wrong and degradation. (Cheers.)

Hon. Mr MORRIS did not intend to detain the House long, but could not allow the extraordinary speech just delivered to pass without comment. The hon. member held no position in the House that justified him in saying to a large majority that they were voting against their consciences. What right had he to arrogate to himself such a tone? He could tell the hon. gentleman that he (Mr. Morris) was surrounded by men on both sides of the House who were above all imputations of sinning against their consciences. There were some other very extraordinary utterances of the hon. member to which he would have to refer. That hon. member, as well as the member for West Durham, was most anxious to establish the point that they had taken the lead in the advanced Reform opinion of the country; saying that, on the 18th or 19th May, they had made the first utterances of their party. On the 11th May, however, the *Globe* came out with a decided and pronounced utterance against the adoption of the Treaty. The hon. gentleman said there had been no variance of opinion on the part of the Opposition; but there had been a very great variance. On the 6th of June the members for Lambton and West Durham addressed a meeting at Strathroy, taking strong grounds against the Treaty, and a declaration of policy was then made by the latter which, during

the present debate, he had not ventured to repeat. The member for Hants had been taunted over and over again for his utterances; but the member for West Durham stated at the meeting mentioned that Canada was on the eve of a most serious crisis, and that one of the things that most moved him in opposition to the Treaty was that it was the beginning of the end. The member for Lambton had that night disclosed what he contemplated that end would be; but the member for West Durham did not speak in the same direction. He endeavoured to show that the inevitable results of the Treaty would be separation, or a reorganization of the Empire. The hon. member made no such declarations now, however. The question before the House was whether or not they should—it being at the request of the Parliament and people of England—give our assent to the Canadian questions reserved for our free and unfettered disposal by England. The member for Lambton stated that the only possible chance of war was the *Alabama* question, but there was higher authority than his. He quoted from speeches of leaders of the English Government to show that they regarded the other questions in dispute as being very likely to cause serious results between the two countries. The hon. member then asked the House if they were going through a solemn farce in passing the bill, when its passage had really been a foregone conclusion. This was not correct. The Queen had reserved for the decision of the Canadian Parliament the clauses in question, and Canada was asked to give her free and unfettered assent and he knew right well that it would be given. The House would take a large, generous view of the position. They would remember the difficulties and responsibilities of the Imperial Government, and the immense sacrifice they had made. The hon. gentleman said he felt humiliated at the idea that Canada was asked to assent to these clauses. Must not the people of England have felt some humiliation when they agreed to place on record an apology for the escape of the *Alabama*? Though they maintained that they had committed no international wrong they did it for the sake of peace. He referred to the action of the English Opposition, who did not embarrass the Government, but desired a peaceful and honourable settlement of the matter, and the same feeling pervaded in this Parliament also. The Government were prepared to meet the country in a short time, and to discuss the great questions they have dealt with, and he knew well what the issue would be. It would

not be what the hon. gentleman anticipated. That hon. gentleman had stated that the only consideration presented to the House for the adoption of the Treaty was the guarantee, and he said that that consideration was paltry, pitiful, and humiliating. The course of the Government had been misrepresented time and again, and it had been said that the Government approved of the Treaty. Their dissent was shown by their despatches to the British Government. Then they were taunted for inconsistency, and were asked what had induced them to change. The reason was obvious. There were two questions, the fisheries and the Fenian claims; and Government desired to take the latter cause of difficulty out of the arena; they were willing to make a sacrifice, but they felt that England had assumed the responsibility of dealing with Fenians claims, and it was only proper that she should meet Canada in the matter by showing that she had a great interest in the Dominion, by assisting her great works. The Government took that ground that they disapproved of the Treaty, but they would forego their strong opinions and risk their position in order to have England linking her fortunes with Canada, and it was a boon of which every man ought to be proud that England had a second time come forward and given to our great works the impress of her reputation. There was no humiliation in all this, and he firmly believed that by doing so, and affirming the Treaty, they would assure the permanency of the connection with Great Britain. The passage of the Treaty would be a proof of their attachment to the Empire, and he felt assured that, as years went by, it would be found that the alternatives spoken of were not the only ones. It was not a question of that absorption which every man would resist, but it was a question of standing, as we had done, maintaining our position in the British Empire, and growing up under her protection.

Mr. BOLTON denied that the Maritime Provinces were generally in favour of the Treaty, and said the feeling in its favour was little more than at first. He dissented from a statement made by the Premier, that if the Treaty was not affirmed Canadian fishermen would become hewers of wood and drawers of water to the Americans. The Canadian fishermen had maintained their position hitherto, and would continue to do so. As to the alleged equivalents for the cession of the fisheries, if it was our duty to pass the Treaty, he would prefer to do it without a question of equivalent at all, but in the interest of the Empire only. He referred

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to the speech of the President of the Council, which, he said, contained many inconsistencies, and which had he been doubtful, would have inclined him against the Treaty. The Treaty was not what he would have desired, but it was the best British diplomacy could obtain. England was exceedingly anxious that it should be ratified, and he could not resist that appeal; he could not say to England that he did not care for the new principle of a peaceful settlement of disputes, but in the words of the Premier he would accept the Treaty with all its imperfections for the sake of peace, and for the sake of the Empire, and he should therefore vote against all amendments.

Dr. ROBITAILLE said it had been said that great benefits had arisen from the Treaty of 1845, but he believed our fishermen in these transactions were the losers. The fisheries of the United States were ruined and the influx of American vessels proved disastrous to the Canadian fishermen. The catch of fish was not nearly so large now as formerly, and indeed the fishermen had now to emigrate to the north shore to follow their pursuits. The Treaty of 1854 was passed because the Americans wanted our fisheries, and the Upper Canadians wanted the American market for their produce, and between these interests the fisheries were sacrificed. The Premier, in a speech which would do honour to the greatest English statesman, had placed before them the position of England, and he had been much moved by his address to the loyal feelings of the members. His constituents were quite willing to bear any reasonable share of the burdens of the Empire, but they considered the Treaty asked them to sacrifice too much, and he should therefore oppose the amendments and also the second reading of the bill.

Mr. A. P. MACDONALD said hon. gentlemen need not be surprised at the course taken by the hon. member for Lambton, for not more than a year ago he spoke unceasingly in favour of party government, which was his only cry. The hon. gentleman got elected by 406 majority. Mr. Sandfield Macdonald's government was overthrown, and the hon. member for Lambton took a seat in the Ontario Government, but when he went back to West Middlesex for re-election he uttered no word as to "party" then, for after preaching strict party lines, they took into the Cabinet a pronounced Conservative, and added four hundred thousand dollars to the fifteen hundred thousand put by for railway purposes, which they themselves before they got into power strenuously opposed.

The Government of Ontario did not stand as well as they did twelve months ago. The hon. member for Lambton was not the same he was a year ago, when crying "party, party;" for he was now working harmoniously with a Conservative in the Cabinet, and doubtless the hon. member for Lambton felt regret at the lead of this House being taken out of his hands by the hon. member for West Durham. Now with regard to the Treaty, he believed the people were anxious for it. It cost us at least \$100,000 a year to protect the fisheries, but the people of Ontario did not benefit by it. It was said that the Canadian fishermen could not compete with the Americans, but he should be sorry to think that they were unable to do so, considering the distance from which the Americans came, and he thought that the Treaty would greatly benefit the Maritime Provinces. As to the canals, were we giving away any rights the Americans had not possessed from 1812 up to the present time? The canals were built for the development of the western trade, and it would be the best thing to give the Americans the free navigation of the St. Lawrence. People in a year or two would bless this Government for passing the Treaty by the majority it would be passed with to-night. How could we expect reciprocity when we could get labour much cheaper than the Americans could, and had to pay large amounts off their national debt? If we could get reciprocity at the end of this Treaty, it was as much as could be expected. Those who had found fault with the Treaty, could not show how we could have done better. It was a wise thought of our Government to get England's endorsement to the £2,500,000, as the country needed nothing more than the extension of vast public works for which the money would be expended. (Hear, hear.)

Mr. THOMPSON (British Columbia) thought too much time had already been wasted in discussing the Treaty, and that it would have been better for many of the speakers to have circulated their views through their local organs. He considered the concessions to be made, of no political value. The Treaty was not all they could expect, but he thought it would be madness to reject it.

Mr. MERRITT said that, judging from the speeches that had been made, one would be led to believe that the fisheries were the principal interests of Canada. But he thought the provisions of articles 29 and 30 of the Treaty were of far greater importance. The Treaty would give an impetus to the shipping interests of Canada, and many vessels were already

being built in Ontario, in anticipation of the ratification of the Treaty.

Mr. D. A. SMITH (Manitoba) would not have detained the House were it not for the remarks of the members for Gaspé, Gloucester and Westmoreland, as to the fisheries. For many years he had been on the coast of Labrador, and having known the people of that coast for many years before the reciprocity treaty of '54, he could say that they were an honest and industrious but very poor people, living from hand to mouth. At first they looked upon that treaty with dread, fearing the competition of the Americans. The fact was that, when the Americans came, the Canadians worked themselves still more, and in a few years, instead of being so very poor with very few of the necessaries of life, and none of the luxuries, they became a well-to-do people. The number of their fish yearly increased, and they found that, man to man, they were as good as those they had so dreaded. They became more manly and felt they were quite able to compete with the Americans. As it was then he was sure it would be now, and they would hail with joy the prospect of a return of that prosperity which they then enjoyed, from being allowed to take their fish into the American markets. It had been said that the people of the fishery coasts were a lawless set of men. Such had not been his experience during a residence of from twenty-five to thirty years. He had known but one single case of crime, which he explained to the House. As to the assertion that the free navigation of the River Yukon on the north-west was of no practical use to Canadians, he thought it was otherwise. That river goes into British territory some 300 or 400 miles, and while it now takes the Hudson Bay Company several years to get their goods from England to points on that river, by the operation of the Treaty, they will, if the Treaty is ratified, be able to get their stores to their destination in eighteen months. He read a letter from the Secretary of State for the United States to show that at present no person other than United States citizens can go up that river. He would vote for the Treaty.

Mr. WORKMAN said that, representing the interests he did, it would be ill becoming if he did not give expression to the sentiments he held on the matter under discussion. He thought the Treaty, since it was first published, had received the approval of nine-tenths of the commercial community of the city he had the honor to represent. They felt

it did not give them all they ought to have, but that it was a compromise and should be accepted. He regretted the course which the President of the Council had taken in endeavoring to make the people of Canada satisfied with the Treaty. It was an Imperial measure, and one which the Imperial Government deemed necessary for the interests of the whole Empire, and Canada should be willing to ratify it. If carried out it would give a certainty to commercial men, and make them feel that they could trade with each other without fear of the future. Canada could build ships cheaper and sail them cheaper than the Americans and could beat them in their own markets. He was only too glad to see American vessels passing through the Canadian canals and lakes and rivers, and thought everything should be done to encourage trade between the two countries.

Mr. McCALLUM said the feeling against the Treaty had been stimulated by gentlemen on the opposite side of the House. Canada could build vessels and equip them 33½ per cent, cheaper than the Americans. There had been a good deal said about giving up the use of the canals. In his opinion they ought to be only too glad to have the Americans use their canals. It had been the policy of the Government to enlarge canals; it was so provided in the Quebec resolutions, and he was satisfied that, if that policy was pursued, we should have a large increase of business. As to the bonding system the member for Lambton had said that that was nothing to the people of this country, as a man could go and live in New York, import his goods, and send them on to Canada in bond as an American citizen. It was the first time he had heard a statesman advocate that the people of this country should leave it and emigrate to another country in order to practise what would be virtually a fraud. The member for Lambton also said that the Americans would not do away with the bonding system because they were anxious to get our trade. Why then should we not be anxious to enlarge our canals in order to get their trade? As to the Fenian claims, he knew there was a feeling in the part of the country he represented that the United States Government had not done their duty as a friendly power; at the same time he could not see that Great Britain was wrong in withdrawing the Fenian claims from the consideration of the Joint High Commission at Washington. If they had got damages from the American Government for calling out the Volunteers, the United States would have had an equal right to

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claim from England for consequential damages. The member for West Durham had referred to a certain widow's son. He had advocated the defeat of the Treaty; but had not told them what he would give them if they rejected the Treaty. If he defeated the Treaty and brought on war, they would have a good many more widows and orphans. He would like to see the words "land carriage" struck out. If the canals were enlarged, Canada would practically have the coasting trade from the upper lakes to the ocean.

Mr. RUFUS STEPHENSON said that it was not his habit to trouble the House, but after sitting silent here for several nights and days, he felt constrained to say a few words on so important a question. At first, when the Treaty was made public, he had taken strong exceptions to the terms of it, for he thought that the Commissioners at Washington had not done all they ought to have done for the interests of Canada; but subsequent investigation had shown him that they had done the best they could for us; at least, the Commissioner for Canada had; and our Government, as a Government, and the Ministers, in their public capacity and in every other way, did what lay in their power; and everything that the Commissioners could do has been done. Our people thought that grain, lumber, salt, &c., should be admitted to the American market free of duty, and that we ought to have reciprocity in the West. But, after consideration, he was convinced, that all that could be done for our interests had been done, and we had obtained the best terms which, under the circumstances, we could get or that the United States could give. The question was now whether we should put ourselves in antagonism with the Imperial Government after what had been done. He thought it was our duty to accept the Treaty, faulty though it was. He was strongly in favour of better terms; but as it had been shown that we had got the best we could at the present time, he would vote for the Treaty, and when he went home, he felt he could give good and patriotic reasons for supporting its ratification to-night. It was to be regretted that the terms were not more liberal to Canada than they were, but it was manifestly to our interest to accept them, even deficient as they were, and he should vote accordingly. (Cheers.)

Dr. SCHULTZ, although representing a Province the farthest removed from the operations of the fishery clauses, and therefore the least interested in them, had come resolved to be guided by the opinions of the members from Nova

Scotia and New Brunswick; and, after hearing their speeches and watching the question closely, he should vote for the Treaty.

Dr. GRANT (of Russell) merely wished to put himself right with his constituents. He was much pleased to say he thoroughly agreed with members and the Government in the course they had pursued, and would vote for the Treaty because it will cement us together and bring about a new reciprocity which would produce the best results between Canada and America.

Mr. HOLMES, as representing a not unimportant constituency, desired to say that, after hearing the arguments for and against the Treaty, he should vote for ratification.

Mr. ROSS (Dundas) attempted to address the House amid great uproar, and after saying he trusted he would find some place where he would have a more appreciative audience, he resumed his seat.

At midnight the members were called in. The first division, on Mr. Bodwell's amendment, resulted as follows:—yeas, 51; nays, 125; majority for the Government, 74.

YEAS.—Messrs. Anglin, Bechard, Blake, Bodwell, Bourassa, Bowell, Bowman, Brown, Cameron (Huron), Cheval, Connell, Coupal, Delorme (St. Hyacinthe), Fortier, Fournier, Geoffrion, Godin, Joly, Jones (Halifax), Kempt, Macdonald (Glengarry), MacFarlane, Mackenzie, Magill, McConnell, McDougall (Renfrew), McMonies, Metcalfe, Mills, Oliver, Paquet, Pelletier, Pozer, Redford, Renaud, Ross (Dundas), Ross (Prince Edward), Ross (Victoria, N. S.), Ross (Wellington), C. E. Rymal, Scatcherd, Snider, Stirling, Thompson (Haldimand), Thompson (Ontario), Wells, White (Halton), White (East Hastings), Wright (York, Ont.) Young.—Total 51.

NAYS.—Messrs. Abbott, Archambeault, Ault, Baker, Barthe, Beaty, Beaubien, Bellerose, Benoit, Bertrand, Blanchette, Bolton, Brousseau, Burpee, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Carmichael, Caron, Carter, Cartier, (Sir George), Cayley, Chauveau, Coffin, Colby, Crawford, (Brockville), Crawford (Leeds), Cumberland, Currier, Daoust, DeCosmos, Delorme (Provencher), Dobbie, Dorion, Drew, Dugas, Ferguson, Ferrier, Fortin, Galt, (Sir A. T.), Gaucher, Gaudet, Gendron, Gibbs, Grant, Gray, Grover, Hagar, Harrison, Heath, Hincks (Sir Francis), Holmes, Holton, Houghton, Hurdon, Irvine, Jackson, Jones (Leeds and Grenville), Keeler, Killam, Kirkpatrick, Lacerte, Langevin, Langlois, Lapum, Lawson, Levisconte, Little, Macdonald, Sir John A. Macdonald (Kingston), MacDonald (Antigonish), Macdonald (Lunenburg), McDonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McCallum, McDougall, (Lanark), Macdougall (Three Rivers), McGreevey, McKeagney, Merritt, Moffatt, Morris, Morrison (Niagara), Munro, Nathan, Nelson, O'Connor, Pearson, Perry, Picard, Pinsonneault, Pope, Pouliot, Power, Robitaille, Ross, (Champlain), Ryan, (Kings, N. B.), Ryan (Montreal West), Savary, Schultz, Scriver, Shanly, Simard, Smith, (Selkirk), Smith (Westmoreland), Sproat, Stephenson, Street, Sylvain, Thompson (Cariboo), Tilley, Tourangeau, Tremblay, Tupper, Wallace (Albert), Wallace (Vancouver Island), Walsh, Webb, Whitehead, Wilson, Wood, Workman, Wright (Ottawa County). Total—125.

A division was then taken on Mr.

Blake's amendment, and the following was the vote:

Yeas, 52; nays, 125. Majority for the Government, 73.

YEAS.—Messrs. Anglin, Bechard, Blake, Bodwell, Bourassa, Bowman, Cameron (Huron), Carmichael, Cheval, Connel, Coupal, Delorme (St. Hyacinthe), Dorion, Fortier, Fournier, Geoffrion, Godin, Hagar, Holton, Joly, Jones (Halifax), Kempf, Macdonald (Glengarry), Macfarlane, Mackenzie, Magill, McConkey, McDougall (Renfrew), McMonies, Metcalf, Mills, Morrison (Victoria), Oliver, Paquet, Pelletier, Pozer, Redford, Renaud, Ross (Prince Edward), Ross (Victoria, N. S.), Ross (Wellington), Rymal, Scatcherd, Snider, Stirton, Thompson (Haldimand), Thompson (Ontario), Wells, White (Halton), Wood, Wright (York), Young. Total yeas, 52.

NAYS.—Messrs. Abbott, Archangeault, Ault, Baker, Barthe, Beaty, Beaubien, Bellerose, Benoit, Bertrand, Blanchet, Bolton, Bowell, Bown, Brousseau, Brown, Burpee, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Caron, Carter, Sir Geo. E. Cartier, Cayley, Chauveau, Coffin, Colby, Crawford (Brockville), Crawford (Leeds), Cumberland, Currier, Daoust, De Cosmos, Delorme (Provencher), Dobbie, Drew, Dugas, Ferguson, Ferris, Fortin, Galt, (Sir Alex. T.) Gaucher, Gaudet, Gendron, Gibbs, Grant, Gray, Grover, Harrison, Heath, Sir Francis Hincks, Holmes, Houghton, Hurdon, Irvine, Jackson, Jones (Leeds and Grenville), Keeler, Killam, Kirkpatrick, Lacerte, Langevin, Langton, Lapum, Lawson, Levesconte, Little, Sir John Macdonald (Kingston), McDonald (Antigonish), McDonald (Lunenburg), McDonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McCallum, McDougall (Three Rivers), McGreevy, McKeagney, Merrit, Moffat, Morris, Morrison (Niagara), Munro, Nathan, Nelson, O'Connor, Pearson, Perry, Pickard, Pinsonneault, Pope, Pouliot, Power, Robitaille, Ross (Champlain), Ross (Dundas), Ryan (Kingston, N. B.), Ryan (Montreal West), Savary, Schultz, Scriber, Shanly, Simard, Smith (Selkirk), Smith (Westmoreland), Sproat, Stephenson, Street, Sylvain, Thompson (Cariboo), Tilley, Tourangeau, Tremblay, Tupper, Wallace (Albert), Wallace (Vancouver Island), Walsh, Webb, White (East Hastings), Whitehead, Wilson, Workman, Wright (Ottawa County).—Total nays, 125.

A division was then taken on the motion for the second reading of the bill, with the following result:—Nays, 55; Yeas, 121. Majority for the Government, 66.

YEAS.—Abbott, Archangeault, Ault, Baker, Barthe, Beaty, Beaubien, Bellerose, Benoit, Bertrand, Blanchet, Bolton, Bown, Brousseau, Burpee, Cameron [Inverness], Cameron [Peel], Campbell, Carling, Carmichael, Caron, Carter, Sir Geo. Cartier, Cayley, Chauveau, Coffin, Colby, Crawford [Brockville], Crawford [Leeds], Cumberland, Currier, Daoust, De Cosmos, Delorme [Provencher], Dobbie, Drew, Dugas, Ferguson, Ferris, Sir Alexander T. Galt, Gaucher, Gaudet, Gendron, Gibbs, Grant, Grover, Hagar, Heath, Sir Francis Hincks, Holmes, Holton, Houghton, Hurdon, Irvine, Jackson, Jones, [Leeds and Grenville], Keeler, Killam, Kirkpatrick, Lacerte, Langevin, Langlois, Lapum, Lawson, Levesconte, Little, Macdonald, Sir J. A. [Kingston], McDonald [Antigonish], McDonald [Lunenburg], McDonald [Middlesex], Masson [Soulanges], Masson [Terrebonne], McCallum, McDougall [Lanark], McDougall [Three Rivers], McGreevy, McKeagney, Merrit, Moffat, Morris, Morrison, [Niagara], Nathan, Nelson, O'Connor, Pearson, Perry, Pickard, Pinsonneault, Pope, Pouliot, Power, Ross [Champlain], Ross [Dundas], Ryan [King, N. B.], Ryan [Montreal West], Savary, Schultz, Scriber, Shanly, Symard, Smith [Selkirk], Smith [Westmoreland], Sproat, Stephenson, Street, Sylvain, Thompson [Cariboo], Tilley, Tourangeau,

Mr. Ross.

Tremblay, Tupper, Wallace [Albert], Wallace [Vancouver Island], Walsh, Webb, Whitehead, Wilson, Workman, Wright [Ottawa County].—Total yeas, 121.

NAYS.—Anglin, Beachard, Blake, Bodwell, Bourassa, Bowell, Bowman, Brown, Cameron [Huron], Cheval, Connel, Coupal, Delorme, (St. Hyacinthe), Dorion, Fortier, Fortin, Fournier, Geoffrion, Godin, Joly, Jones [Halifax], Kempf, Macdonald [Glengarry], McFarlane, Mackenzie, McGill, McConkey, McDougall [Renfrew], McMonies, Metcalf, Mills, Morrison [Victoria], Munro, Oliver, Paquet, Pelletier, Pozer, Redford, Renaud, Robitaille, Ross (Prince Edward), Ross [Victoria], Ross [Wellington], Rymal, Scatcherd, Snider, Stirton, Thompson [Haldimand], Thompson [Ontario], Wells, White [Halton], White [East Hastings], Wood, Wright (York, Ontario, W. R.), Young. Total nays, 55.

The bill was read a second time, to be referred to committee to-morrow.

The House adjourned at 12.45.

SENATE.

FRIDAY, 17th May.

The SPEAKER took the chair at three o'clock.

After the presentation of petitions and other routine proceedings,

Hon. Mr. AIKINS brought up a return respecting the Intercolonial Railway.

RAILWAY.

Hon. Mr. HAMILTON, from Committee on Railways, Commerce and Banking, reported favorably on the Bill respecting the St. Francis and Megantic Railway Company.

DIVORCE.

Hon. Mr. CAMPBELL moved the second reading of the Bill to provide for the divorce of John Robert Martin, and in doing so said he did not vouch for the accuracy of the facts alleged therein.

In accordance with the rules of the House, Richard Martin was called to the bar and gave evidence of the service of certain papers on defendant.

The Bill was carried on a division, demanded by Hon. Mr. Letellier de St. Just. Contents 36; non-contents 19. It was then referred to special committee to examine evidence.

IMMIGRATION.

The House then went into Committee—Hon. Mr. Botsford in the chair—on the Bill incorporating Immigration Aid Societies, which was reported upon without amendment, read a third time and passed.

PRINTING.

On motion of Hon. Mr. SANBORN, the first report of the Committee on Printing was adopted.

QUARANTINE.

Hon. Mr. CAMPBELL moved the second reading of the bill respecting quarantine, which re-enacts laws respecting that subject, except those referring to public health, which properly fall under the jurisdiction of the Provincial Governments. It also includes several amendments to the laws of the Maritime Provinces, which experience has shown to be necessary.

Hon. Mr. SANBORN referred to the distinction made by the Government with reference to the subject of public health, and expressed the opinion that they had come to a proper conclusion although the view was different from that taken with respect to many other matters which came before Parliament although belonging properly to local jurisdiction. He urged the Government to lay down a general principle and apply it to all legislation. The Parliament, under its present position, was absorbing an amount of business which ought not to come before it.

Hon. Mr. MACFARLANE agreed with the previous speaker that the time had come to establish a certain principle with reference to such matters. He was glad that the Government had introduced such a measure which, he hoped, would prevent the introduction of disease into maritime ports in the way it was done in Halifax last summer.

Hon. Mr. GIRARD alluded to the necessity of preventing introduction of disease into Manitoba from North West by Indians and others.

Hon. Mr. BOTSFORD wished to know what distinction could be drawn between Public Health and Infectious diseases of Stock, on which Parliament had legislated.

Hon. Mr. WILMOT was of opinion that power of dealing with diseases should not be divided, but given exclusively to local legislatures or General Government.

Hon. Mr. CAMPBELL agreed that it was advisable to have a definite principle, as urged by the member for Wellington Division, but it was found very difficult to arrive at a decision on the subject. A Joint Committee had been appointed during a previous session to deal with the question, but nothing had come out of it. Probably in the course of time a satisfactory arrangement would be arrived at, and such perplexities as now constantly arose prevented. As respects the measure concerning Infectious Diseases, he did not remember its exact nature, but supposed it referred to Quarantine. In answer to the member from Manitoba, he stated that it might be necessary to

frame a law which would prevent infectious diseases, like small pox, coming into Manitoba from the North West Territory. The bill was then read a second time.

PUBLIC OFFICERS.

Hon. Mr. CAMPBELL moved the second reading of the bill (from the House of Commons) respecting security, to be given by officers of Canada.—Carried.

RAILWAY BILL.

Hon. Mr. FERRIER moved the second reading of the bill confirming a certain agreement between the Grand Trunk Railway and the International Bridge Company, and for other purposes.—Referred to Committee on Banking, Railways and Commerce.

PUBLIC LANDS.

The House again went into Committee on the Bill respecting Public Lands, Hon. Mr. Hamilton in the chair.

In accordance with the suggestion of Hon. Mr. BUREAU, the 107th clause was so amended as to read: "Governor in Council *shall*, at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act such lands as have been reserved for Indians or may be required to satisfy the half breeds' claims."

The Bill having been considered,

Hon. Mr. SUTHERLAND asked the Government whether any steps had yet been taken in accordance with his suggestion of the previous night, that a grant should be made to a class of persons whose claims hitherto had been overlooked.

Hon. Mr. AIKINS would be prepared with an answer before the Bill was read a third time.

Hon. Mr. WARK urged the claims of these settlers to favorable consideration.

The Committee rose and reported the Bill with certain amendments. Report was adopted and the Bill ordered to be printed, as amended, before the third reading.

The House then adjourned.

HOUSE OF COMMONS.

FRIDAY, May 17th, 1872.

The SPEAKER took the chair at 3.25 p. m.

JUDGE JOHNSTON'S AWARDS.

Hon. Mr. MACKENZIE presented the petition of certain residents at Fort Garry,

complaining of the awards made by Judge Johnston in respect to claims for imprisonment during the rebellion in that country, and asking for justice in the premises.

CONTROVERTED ELECTIONS.

Hon. Mr. HILLYARD CAMERON presented a report of the Committee on Privileges and Elections, dismissing the petitions against Mr. Donald Smith and Mr. Delorme, the members returned for Selkirk and Provencher respectively, and recommend that matters respecting the double returns of Marquette should stand over until to-morrow.

RETURNS.

Hon. Sir JOHN MACDONALD presented returns to various addresses that had been voted by the House.

REPORT ADOPTED.

Hon. Mr. J. H. CAMERON moved the adoption of the report of the Committee on Privileges and Elections. Carried.

REFERRED.

Hon. Mr. J. H. CAMERON also moved that the petition of Angus McKay be referred to the Committee. Carried.

NEW BILLS.

Hon. Mr. PAQUET introduced a bill to change the name of the Permanent Building Society, of Montreal, into that of the Bank of Loans, and to confer on it certain powers.

HARBOURS.

Mr. FOURNIER enquired whether it was the intention of the Government to recommend in the case of Quebec, in like manner as they proposed to do with respect to the harbours of Montreal, Toronto, Rimouski, Bathurst, Miramichi, Richibucto, Quaco, Grand, Manan, Herring Cove, Havre Aux Maisons, Isle De La Magdaleine, Amherst, Mahan, Liverpool, N. S., Port Maitland, McNairs Bay, Port Hood, Cape Breton, the appropriation of a sum of money to continue the improvement commenced some years back in the harbour of Quebec with the object of forming a dock in the St. Charles River.

Hon. Mr. LANGEVIN said that with regard to the harbour of Montreal, the proposal of the Government was not to make a gift of such money; but by the scheme to be laid before the House the Government would recompense themselves by taxes. As to the harbour of Toronto the Harbour Commissioners had power to impose duties on merchandise coming into

the harbour, and there was therefore no similarity between that case and the case of Quebec harbour. A large deputation from that city, consisting of members of the Harbour Trust the Board of Trade, and citizens generally, together with a number of members representing the district, had waited upon the Commissioner of Public Works to represent the position of the Trust and the wants of the Harbour. The decision arrived at had been that, during the recess, those bodies would consider some scheme to present to the Government in the matter, and also furnish the information which was necessary before the Government would decide upon reorganizing the Trust. If this information was ready in due time, the Government would be in a position next session to say what measure they would propose to Parliament.

MASTERS OF VESSELS.

Mr. HARRISON inquired whether it was the intention of the Government to extend the law now in force in the Maritime Provinces, as to the examination of masters and mates of vessels, to the inland waters of the Dominion.

Hon. Sir GEORGE CARTIER said the law as it stood could hardly be applied to vessels on the inland waters; but the Minister of Marine and Fisheries was now considering the propriety of adopting certain corresponding regulations with regard to them. [Hear, hear.]

COLLINGWOOD HARBOUR.

Mr. McCONKEY enquired whether it was the intention of the Government to make an appropriation towards the erection of a breakwater at Collingwood harbour.

Hon. Mr. LANGEVIN said this subject had been considered by the Government, and the supplementary estimates, with his explanations in regard to them, would show that a decision had been arrived at.

HARBOUR IMPROVEMENTS.

Mr. MACDONALD [Lunenburg] enquired whether it was the intention of the Government during the present year to deepen the entrance of the harbour of Antigonish, repair the wharf at Bayfield, and deepen the basin adjoining the same.

Hon. Mr. LANGEVIN said the information the Government had on this subject was not sufficient to enable them to decide. An engineer would be sent during the summer to visit and report upon this and other proposed works.

ENCOURAGEMENT OF INDUSTRIES.

Mr. DELORME [St. Hyacinthe], en-

Hon. Mr. Mackenzie.

quired whether it was the intention of the Government to encourage industrial arts in Canada, by granting a bonus in proportion to the capital employed in the manufacture of hemp, flax, cotton and wool.

Hon. Sir JOHN MACDONALD said there was no such intention.

CANALS.

Mr. JONES (Halifax), enquired whether the Government had received any report of surveys from the Government Engineers in Halifax, on the Porters Lake Canal, and whether they intended making any appropriation for the commencement of the work.

Mr. LANGEVIN said the information in possession of the Government previous to the last report showed that a small sum of money might be sufficient to attain the object, but the report lately received from the engineers showed that the cost of the work would amount to a large sum, probably \$48,000. That report was dated in October last. Under the circumstances the Government were not prepared to submit the matter now for the consideration of Parliament; but required more information in order to determine whether the object the hon. gentleman had in view might be obtained at less cost.

THE WASHINGTON TREATY.

Mr. ROBITAILLE asked whether the Government were prepared to give this House the pledge that, in case the present legislation on the Washington Treaty passed, it would not go into operation while the *Alabama* claims were unsettled. 2nd. Whether the Government would continue the same protection to our fisheries until the *Alabama* claims were settled. 3rd. Whether the Government were prepared to give a pledge that the money compensation which may be obtained in virtue of the fishery clause of the Washington Treaty would be expended for the direct benefits and improvement of our sea fisheries.

Hon. Sir JOHN A. MACDONALD replied, with reference to the first question, that the bill provided that it would not go into operation until an Order in Council was passed authorizing that a proclamation be issued based on that Order in Council, but the Government could give no pledge in the matter. As to the second question, the Government would provide efficient protection to the fisheries until they were opened to the Americans by law; and as to the third question, that such money would be subject to the vote and pleasure of Parliament, and the Gov-

ernment could give no pledge as to the disposal.

Mr. SMITH (Westmoreland) asked whether any arrangements had been made between the Government of Her Britannic Majesty and the Government of the Dominion as to the disposition of the amount of compensation to be awarded under the 22nd article of the Treaty of Washington.

Hon. Sir JOHN A. MACDONALD answered that no such arrangement had been made. The money would belong to Canada, and be subject to the vote of Parliament.

Mr. SMITH (Westmoreland) asked whether it was intended that the Commission appointed under articles 22nd and 23rd of the Treaty of Washington, to determine the question of the amount of compensation to be paid, shall be confined to the term of years mentioned in Article 33 of the said Treaty.

Hon. Sir JOHN A. MACDONALD replied that it would, of course, be limited to the time named in the Treaty, 12 years.

BAIE VERTE CANAL.

Mr. BURPEE asked whether it was the intention of the Government to proceed with the important work of the Baie Verte Canal during the present season.

Mr. LANGEVIN replied that the Government were showing their disposition to go on with the work by putting a large sum of money in the estimates for that purpose.

MANITOBA HALF-BREEDS.

Dr. SCHULTZ asked whether any enumeration of the half-breed population of Manitoba had been made, and if so under what authority and for what purpose; and whether the division of the 1,400,000 acres of half-breed grant would be based on such enumeration.

Hon. Sir JOHN MACDONALD replied that an enumeration had been made under the authority of regulations established under the Manitoba Act; and the division of land would be based on such census.

CENSUS OF MANITOBA.

Dr. SCHULTZ asked whether or not had the decennial census lately taken in the other Provinces of the Dominion of Canada been taken in the Province of Manitoba; if not why not, and when such census in said Province was to be taken.

Hon. Sir JOHN A. MACDONALD replied that the Manitoba Act provided that the Province should have a certain representation, which should not be altered until the census of 1881. The Government

had no intention of taking another census before that time.

JUDICIAL.

Mr. SAVARY asked whether it was true that an extended leave of absence had been granted by the Government to the very able Judge in Equity of the Province of Nova Scotia, and if so, what provision had the Government made, or proposed to make, for the discharge, during such absence, of the engrossing and important duties devolving on that Judge?

Hon. Sir JOHN A. MACDONALD replied that no application had been made to the Government, and therefore no leave of absence had been granted.

A QUESTION OF PAYMENT.

Mr. SAVARY asked whether it was the intention of the Government to remunerate the revisors of the electoral lists in the Province of Nova Scotia for making out lists of persons qualified to vote for the election of members to serve in this Parliament, under the provisions of section 4 of chapter 20, of the acts of 1871, the sessions in some counties having unjustly refused to pay them for their services.

Hon. Sir JOHN A. MACDONALD replied that no application had been made to the Government for any such sum of money. Whenever a representation was made to the effect, it would receive immediate attention.

JUDICIAL.

Mr. FOURNIER moved for correspondence in relation to the necessity of appointing a resident judge for each judicial district in the Province of Quebec. In moving the resolution he spoke of the necessity for increasing the number of judges in the Province of Quebec; pointing out that, as compared with the population of the other Provinces, it had a smaller number of judges of superior courts. He also referred to the inconveniences that had arisen because of the judges not residing in the districts where they administer justice.

Hon. Sir GEORGE CARTIER did not believe there was any such correspondence, but if there were he would have no objection to submitting it.

Mr. CHAUVEAU said there had been no such correspondence between the Quebec and the Dominion Governments. But the former had made representations to the latter on the subject.

Mr. DORION, in connection with this motion, called attention to the great anomaly in our constitution, that while the

Local Legislatures controlled the organization of Courts, they had no power to appoint Judges; and thought that the Constitution should be amended in this respect. As to the matter more immediately alluded to in the motion, great injustice had been done in consequence of prothonotaries issuing injunctions during the absence of Judges. The result was bad judgment, in many cases frequent appeals to the Privy Council. Between the years 1869 and 1872 there were only two appeals to the Privy Council from New Brunswick, one from Nova Scotia, and two from Ontario, but from Quebec there were no less than twenty-one, and out of that number only six judgments had been rendered. He thought that the necessity for those appeals arose from the fact of non-professional men being allowed to act in the absence of judges. He thought, in view of the great delay and expense caused by appeals to the Privy Council, that a final Court of Appeal should be established in the Dominion.

Hon. Sir GEORGE CARTIER said the appointment of judges was a matter within the jurisdiction of the Central Government; and the Local Legislature, by altering the constitution of the Courts over which they presided, had so legislated as to render the additional appointment necessary. It was not necessarily the case that prothonotaries discharged the duties of a judge in his absence. It was only in matters of urgency that they acted, and then only to do purely magisterial duties. There had not been so many abuses as the hon. gentleman would like the House to believe. The hon. gentleman had mentioned Iberville and St. Hyacinthe particularly. The judge who presided over those districts was Judge Sicotte, who had been appointed by the hon. gentlemen opposite. Of all men on the bench he was the most assiduous in the performance of his duty, and against whose decisions there were fewer appeals than against the judgments of any other judge in the Province.

Mr. DORION said he had not complained of Judge Sicotte.

Hon. Sir GEORGE CARTIER was aware of that, but the hon. gentleman had complained of the prothonotaries. Well, with regard to that point, if there was an abuse it was a matter that concerned not the Dominion but the local Government. When he (Sir George) was at the head of the Law Department of that Province he had taken care to lessen the chance of abuses as much as possible, by appointing only competent professional men to the position. He claimed that, as compared

Hon. Sir J. A. Macdonald,

with Ontario, the administration of justice in Quebec was much more economical and prompt. It was not surprising that there should be a larger number of appeals to England, when the fact was taken into account that, in the Superior Courts of Ontario all issues of fact were tried by a jury, while in Quebec the judge decided upon matters of fact as well as of law; in nine-tenths of the cases that came before the courts, no legal practitioner thinking of demanding a trial by jury unless he had a very bad case indeed. The forms of law and the character of the judges were such that jury trials were extremely rare in civil suits; and during the year there were not fifty cases, perhaps, where there was an appeal to a jury, which was indispensable in every Superior Court in Ontario. The consequence was that in the latter province judges were often called upon to set aside the verdicts of juries, on the ground that they were opposed to the evidence; while in Quebec, if there was an appeal from decisions of the Superior Court, it had to be carried to England. He was in favour of reducing the time within which appeals could be taken to England from fifteen months to three months, which with the superior facilities for communication in these days, ought to be sufficient to prepare the papers and transmit them to England. As for the administration of the courts in reference to which complaints had been made, it was a matter to be dealt with by the local and not by the federal Government.

Hon. Mr. IRVINE said there was a matter connected with this subject which was of importance and had not been fully explained. It was admitted on all hands, as regarded the Province of Quebec, that there was a necessity for a greater number of judges. (Hear, hear.) At the last session of the Quebec Legislature a bill had passed a second reading unanimously in the House to increase the judiciary, and it had not become law, only because it was felt that it would not be proper to make provision of that kind until there was some assurance that the salaries would be voted by this Parliament, and the appointments made by the Dominion Government. The Constitution provided that the Local Legislature should be responsible for the administration of justice, and it had the power of constituting the courts; but this Parliament had alone the power to vote money for the payment of the judges, and the Dominion Government the power to appoint them. If there was a necessity for an increased number of judges, that necessity could only be met by action on the part of this House and this Government, and

therefore it had been felt at Quebec that, to legislate in the matter in the absence of action at Ottawa, would be useless. He could not see how, under these circumstances, the local legislature could be held responsible, as some hon. gentlemen had stated. With regard to the number of judges, he did not think it could reasonably be asked that one should be appointed for each district, several of which could very well be served by one Judge. He admitted the inconvenience that resulted from transferring the duties of the judges to clerks of the courts, and thought the system should be done away with. It would be a satisfactory solution of the question if, knowing that reform was wanted, they knew also where to begin. It was generally understood in Quebec that the initiative did not rest with them, while the understanding at Ottawa, seemed to be that the initiative did not rest with the Dominion Government. It did not matter much where they began; but it was of importance that a beginning should be made somewhere. (Hear, hear.) He did not approve of the proposition to abolish the right of appeal to the Privy Council in England. The argument that the right was exercised in a great many cases was no argument against its abolition, although it might be an argument for establishing a Supreme Court of Appeal for the Dominion.

Mr. GODIN spoke at some length complaining of the inconvenience and delay that occurred in the Administration of Justice in Lower Canada.

Hon. Sir JOHN A. MACDONALD said that he saw no difficulty in the matter. The constitution pointed out the duty of the Provincial Legislature respecting the Administration of Justice, which fell upon the Local Government. If there was a defect it was their duty to correct it by Legislation. The moment they did that they did all they could do; it then became the duty of the Legislature of the Dominion to fix the salaries, and of the Dominion Government to appoint the Judges. The duty of the Dominion Legislature could not begin until the duty of the Provincial Legislature was discharged. (Hear, hear.) In the Province of Quebec last session an Act had been passed providing for additional Judges, and that having been done, it would be the duty of the Dominion Government to ask Parliament at the earliest moment to grant a sum of money for the salaries of those Judges. In the last session of the Manitoba Legislature an Act had been passed to appoint three Judges for that Province, and this Parliament, in pursuance of its duty, would be asked to make provision for their salaries. It was

so completely within the jurisdiction of the Provincial Legislatures to settle what number of Judges were required in their respective Provinces, that, although there might be a difference of opinion on the part of the House and Parliament, the Constitution so clearly placed the responsibility of administering justice upon the Provincial Legislatures that, if they solemnly declare that a certain number of Judges were required, this House, he thought, had no constitutional right to cavil, and it would become its duty to provide a sufficient salary; and it was only in the case of a Provincial Legislature acting wilfully and wrongfully in fixing an excessive number of judges, that it would be required of this Parliament to interfere. With respect to the Court of Appeal, the House was aware that, at an early stage after the Union, he had brought down a bill for the purpose of establishing a Supreme Court. He had found, however, that there was no great demand for the measure in the various Provinces; while in certain quarters there was rather a prejudice against it. It was more particularly with reference to the Province of Quebec that the difficulty had arisen. If all the Provinces had a similar system of jurisprudence there would have been no difficulty; but that was not the case, for the system in Quebec was based on different principles of law altogether from the system in the other provinces. The danger was that under those circumstances an appeal might be carried from a more competent to a less competent Court, and it might happen that there would be an appeal from the decisions of gentlemen thoroughly skilled in the Roman law, upon which the code of Quebec was based, to a tribunal, the majority of whom had been educated and trained in the practice of the common law. That was the practical difficulty that had confronted him upon this subject, and he did not yet quite see his way to a solution of it. However, that there would be a Court of Appeal for the Dominion he regarded as a matter of certainty. As for abolishing the appeal to the Privy Council, that could not be done so long as we remain a dependency of England.

Hon. Mr. DORION said there would be no difficulty in establishing a Supreme Court as stated by the Minister of Justice, because there would sit on the bench of that Court judges from the Province of Quebec who would be acquainted with Roman law. As for the appeal to England, he had felt it to be a grievance that in so many cases suitors should be dragged to a distant

tribunal where no greater justice was "to be obtained than in our own country."

Hon. Mr. CHAUVEAU thought, after what the Premier had said, there would be no difficulty in obtaining an increased number of judges in the Province of Quebec.

Hon. Mr. BLAKE did not agree with the Minister of Justice that there was no anomaly. If the Local Governments were to determine the number of Judges, and the Dominion had to pay them, it could be well understood that the number would be on the most liberal scale, because those who made the judges would not be called upon to pay them. There was another difficulty as to the payments. A bill had been passed by the Legislature of Ontario for the payment of judges of the Superior Courts of Ontario, but that bill had been disallowed. He then gave the history of the bill, and the course pursued by the Minister of Justice in the matter.

Mr. HARRISON thought the power of creating judges, and the power to pay them, should be vested in the Ontario Government. In his opinion the Local Legislatures should have nothing whatever to do with the creation of the courts. He referred to a case in Ottawa in which a Clerk of the Court was acting as and performing the duties of a Judge under authority of the Local Government. He did not think the judges of Ontario were paid sufficiently to induce men to go on the Bench whom the people generally would have confidence. Although the act of the Legislature of Ontario had been disallowed, the judges still received the \$1,000 for attending the Court of Appeal, which that act proposed to give them. He thought the creation of a Court of Appeal to reduce the number of cases of appeal to the Privy Council would be found necessary very soon.

Hon. Sir JOHN MACDONALD said that with regard to the disallowance of the Act passed by the Province of Ontario, to which the member for West Durham had referred, the opinion of his hon friend and himself (Sir John) were not very different on that subject, but the member for West Durham had expressed opinions as to the course taken by himself (Sir John) in considering what acts of the Provincial Legislature ought to be allowed to take their course. It was of the greatest importance for the well working of the constitution that the Provincial Legislature and Governments should feel that there was no undue interference with the limit of their powers. It was sometimes difficult to decide whether a particular measure should be dealt with by the Dominion or Provin-

Hon. Sir J. A. Macdonald.

cial authorities, and in any case when he had doubt his course had been to give the Provincial Legislatures the benefit of the doubt, leaving it to the Courts to settle the question. That had been his course, and he thought the rule as a general one would commend itself to the House. (Hear, hear.) With reference to additional salaries to judges of Ontario and the Bill passed by the Provincial Legislature, but disallowed, he held that that Act was an evasion of the Constitution, and to fortify himself on so very important a question he made reference to the law officers of England, and they concurred with him that that Act was beyond the constitutional power of the Provincial Legislature. As the amount was in the Supply Bill, and its disallowance would derange the affairs of the Province during the year, and as the Governor General had a full year after the receipt of the Acts from the Provincial Government, the Act was allowed to remain until all the payments had expired, and at the last moment it was disallowed, in order to assert the constitutional principle. The Provincial Legislature, with a good deal of pertinacity, took up the subject in the next session, and provided that the Judges of the Superior Courts, while acting as judges of the Court of Appeals and Commissioners under the Heir and Devisee Acts, should have a sum of money for their services. He would have had no hesitation in disallowing that Act had the services been performed in the Court of Appeal alone; but they were appointed Commissioners under the Heir and Devisee act; they were performing special duties, something like Sir A. Cockburn at Geneva acting as Commissioner of a special Tribunal.

The House rose at six o'clock.

AFTER RECESS.

BANK OF HAMILTON.

Mr. MAGILL moved the House into committee on the Bill to incorporate the Bank of Hamilton. The Bill was passed through committee.

HALIFAX BANK.

Hon. Mr. MACKENZIE, in the absence of Mr. Jones of Halifax, moved the House into committee on the Act to incorporate the Halifax Banking Company. The Bill was passed through committee, read a third time, and passed.

EXCHANGE BANK.

Mr. WORKMAN moved the House into committee on the Act to Incorporate the

Exchange Bank of Canada. The Bill was passed through committee, was read a third time and passed.

WIDOWS' AND ORPHANS FUND.

Mr. MORRIS, seconded by Hon. Mr. MACKENZIE, moved the House into committee to amend an Act to Incorporate the managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland. The Bill was passed through committee, read a third time and passed.

THE MAIL PRINTING COMPANY.

Hon. J. H. CAMERON moved the second reading of the Act to Incorporate *The Mail Printing and Publishing Company, limited*. Carried. The Bill was then passed through the committee, was read a third time and passed.

NATURALIZATION.

Mr. HARRISON moved the second reading of the Act to Naturalize Anson Green Phelps Dodge.—Carried.

Mr. MILLS disapproved the Bill, and thought a clear case ought to be made out.

Mr. HARRISON explained that the gentleman in question had not been a subject in Canada a sufficient time to obtain naturalization under the general laws.

CAUGHNAWAGA SHIP CANAL.

Mr. SHANLY moved the second reading of the Bill to amend the Act of Incorporation of the Caughnawaga Ship Canal Company.—Carried.

The Bill passed through committee, was read a third time and passed.

DETROIT RIVER TUNNEL.

Hon. J. H. CAMERON moved the second reading of the Act to amend the Act to incorporate the Detroit River Tunnel Company.—Carried. The Bill was afterwards passed through committee, was read third time and passed.

RAILWAY EQUIPMENT COMPANY.

Hon. J. H. CAMERON moved the second reading of the Bill to incorporate the Canadian Railway Equipment Company,—Carried. The Bill was passed through committee, was read a third time and passed.

FRONTIER RAILWAY.

Mr. SCRIVER moved the second reading of the Act to incorporate the Que-

bec Frontier Railway Company. Carried. The Bill was passed through committee was read a third time and passed.

RAILWAY BILL.

Mr. HARRISON moved the second reading of the Act respecting the Grand Trunk and the Montreal and Champlain Railway Companies. Carried. The Bill was afterwards passed through committee, read a third time and passed.

BANK OF CANADA.

The Act to incorporate the Bank of Canada was read a second time, passed through Committee, and was read a third time, being entitled "An Act to incorporate the St. Lawrence Bank."

THUNDER BAY TELEGRAPH COMPANY.

The Bill to incorporate the Thunder Bay Silver Mines Telegraph Company, was read a second time, passed through Committee, read a third time and passed.

GREAT WESTERN RAILWAY.

The Act to enable the Great Western Railway to extend and improve its connections was read a second time, passed through committee, read a third time and passed.

THE DOMINION RAILWAY.

The Act to legalize an agreement between the Grand Trunk Railway and the town of Galt was read a second time, passed through committee, read a third time and passed.

SEALING AND FISHING COMPANY.

The act to incorporate the Canada and Newfoundland Sealing and Fishing Company was read a second time, and passed through Committee.

DOMINION WATER WORKS.

The Act to incorporate the Dominion Water Works Company was read a second time,

NORTHERN RAILWAY.

The Act to legalize and confirm the lease to the Northern Railway Company of Canada of the lines of Railway of the Northern Extension Railway Company, was read a second time, passed through committee and read a third time.

INSOLVENT LAWS.

Mr. COLBY moved the third reading of the Bill to repeal the Insolvent Laws.

Mr. HARRISON raised a point of order, that the Bill ought to originate in a Committee of the Whole.

Mr. Scribe.

Hon Sir A. T. GALT maintained that the objection was not good, as the rule requiring bills to originate in Committee of the Whole did not apply to the repeal of bills.

Hon. Mr. Dorion thought the Bill in order.

Mr. LANGLOIS said the Bill, having been passed hitherto, should not be objected to at this stage.

Hon. Mr. MACKENZIE said the objection was not good. The Bill did not affect trade.

Hon. Sir JOHN MACDONALD also considered the Bill in order.

Mr. HARRISON maintained the objection.

Mr. SPEAKER ruled the Bill to be in order.

Mr. JONES (Halifax) moved an amendment that the Provinces of Nova Scotia and New Brunswick should be excepted from the operation of the Bill.

Hon. Col. GRAY seconded the amendment, saying if Ontario and Quebec wanted the Bill he hoped they would not force it on Nova Scotia and New Brunswick. Cases had arisen where, in the interests of justice, the Insolvency Laws required amendments; but the Local Government had no power. Nova Scotia and New Brunswick did not desire the repeal, and he asked that it might not be forced on them.

Hon. Sir G. E. CARTIER thought the amendment fair, just and equitable. There was no doubt that Ontario and Quebec desired the repeal. His own opinion was that the repeal should not be forced this session so that proper legislation might be prepared for next session. A majority of the House, however, desired the repeal, but Nova Scotia and New Brunswick had no power to deal with insolvency, and they would be almost a year without any laws on the subject, and he appealed to the members for Quebec to consider how unjust that would be to the Lower Provinces, who were almost unanimously in favour of retaining the law.

Mr. GIBBS moved that the Bill be read a third time this day six months.

Mr. HARRISON supported the amendment.

Hon. Mr. BLAKE would support the amendment, and failing in that, would support that of the member for Halifax, because the repeal of the laws would not give a uniformity, and he thought Nova Scotia and New Brunswick ought to have what they desired.

Mr. McDONALD (Glengarry,) said he would expect the members for Nova Scotia and New Brunswick to oppose the amendment of the member for Ontario on the

understanding that the House was ready to give them what they asked and therefore they ought not to oppose what was desired by the other Provinces.

Mr. E. B. WOOD said if there was any injustice on the subject in the Lower Provinces, it was their own legislation, and they themselves had power to remedy the evil.

Col GRAY said New Brunswick had no such power.

Mr. E. B. WOOD repeated that they had such power, and therefore the law should be repealed.

Mr. MASSON [Soulanges], supported the repeal of the law which acted most injuriously.

Hon. Mr. CHAUVEAU and Mr. BARTHE also spoke on the question.

Mr. HOUGHTON asked whether the repeal would affect British Columbia.

Hon. Sir JOHN MACDONALD said that the Insolvency Law did not exist in British Columbia, and therefore that Province would not be affected.

Mr. BELLEROSE would rather that the bill should be delayed until the bill of the member for Toronto could be considered.

Hon. Mr. MACKENZIE said that a few nights ago the Minister of Justice stated that an amendment to an amendment was unparliamentary, and he hoped he would induce his friends who were seeking to kill the bill to withdraw their opposition.

Hon. Sir JOHN MACDONALD said that what he had referred to was that one of the leaders of the Opposition should move a vote of want of confidence in the Government, and then seek to avoid it by getting a friend to move an amendment.

Mr. ROSS [Prince Edward] said the insolvency laws ought to be repealed as soon as possible, and hoped the House would not be controlled by the members from Toronto, Montreal, Quebec, St. John, and Halifax.

Mr. GIBBS asked that the Minister of Justice should state his views, as it would go a long way to decide the question. (Loud cries of "no, no!" and cheers.)

Dr. SCHULTZ asked whether Manitoba would have power to deal with the subject themselves, and was answered in the affirmative.

Hon. Dr. TUPPER referred to the remarks of the member for Prince Edward, and said that the whole Provinces of Nova Scotia and New Brunswick were united on the question. Nova Scotia had a right to appeal to the House, but he could not vote for the amendment of the member for Halifax unless forced to do so, as he did not think the Provinces should be treated differently. Nova Scotia had often ac-

cepted laws they did not like, so that the laws might be uniform throughout the Dominion.

Hon. Mr. POPE said it was not necessary that the laws should be uniform. Quebec did not require the Insolvency law, and in opposition to the President of the Council he appealed to Nova Scotia and New Brunswick to stand by Quebec in her desire to repeal such an obnoxious law. (Loud cheers and great laughter.)

Mr. WORKMAN rose to address the House, but the impatience to obtain a division was so great that his voice was quite inaudible on account of the uproar.

Mr. MACDOUGALL also essayed to speak, but the same uproar arose. He, however, persevered, and when silence was restored, repudiated the view that there should be any distinction in the treatment of the different provinces.

Hon. Sir JOHN MACDONALD said he rose to support the view of the President of the Council in his statement that it was perfectly open to the House to deal with the subject in one way with reference to Ontario and Quebec, and in another way with reference to the Maritime Provinces. That was a principle well recognized in the Empire, where they had a common Legislature for England, Ireland and Scotland, but, appreciating the different requirements of the countries, had, on various subjects, and on this very question of bankruptcy among the number, different laws in force. He had been unable to be present on the second reading of the bill, but had he been so he would have supported the continuation of the present system for another year, so that a new Parliament might deal with the subject, when it would be forced upon them by the expiration of the temporary act. He should vote for the amendment of the member for South Ontario, and failing, for that of the member for Halifax.

Hon. Mr. MACKENZIE was very glad the hon. gentleman had at last come to that conclusion, for when the Government usury measure was under discussion two years ago, he (Mr. Mackenzie) had moved to except Ontario from the operation of the act, and the hon. gentleman had then insisted strenuously that such legislation was altogether improper. He (Mr. Mackenzie) had intended to vote for the amendment of his hon. friend from Halifax, but he was not sure now that he would, because while he was glad that the Minister of Justice admitted the principle he (Mr. Mackenzie) had contended for ten years, he recognized in the admission an absolute want of principle. [Laughter and cheers]

The members were then called in, and the House divided upon Mr. Gibb's amendment, which was lost on the following division:—Yeas, 72; Nays, 80.

YEAS.—Messrs. Anglin, Blake, Bolton, Bowell, Bown, Burpee, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Carmichael, Cartier, Sir Geo. E., Chauveau, Chapman, Cimon, Coffin, Connell, Cumberland, DeCosmos, Dobbie, Ferris, Gaudet, Geoffrin, Gibbs, Gray, Harrison, Hinks, (Sir Francis), Holton, Irvine, Jones (Halifax), Jones (Leeds and Grenville), Kempt, Killam, Lacerte, Langevin, Lawson, Sir J. A. Macdonald (Kingston), McDonald (Lunenburg), McDonald (Middlesex), Masson (Terrebonne), McMillan, McMonies, Merritt, Metcalf, Moffatt, Morris, Nathan, Nelson, Pearson, Perry, Pickard, Ross (Champlain), Ross (Victoria, N. S.), Ryan, (Kings, N. B.), Ryan (Montreal West), Savary, Schultz, Scriver, Shanly, Smith (Selkirk) Smith [Westmoreland], Stephenson, Street, Tilley, Tourangeau, Tupper, Wallace, (Albert) Wallace [Vancouver's Island], Walsh, Wilson, Workman, Young. Total yeas, 72.

NAYS.—Archambault, Baker, Barthe, Beaubien, Bechard, Bellerose, Bertrand, Bodwell, Bourassa, Brousseau, Caron, Cameron, Carter, Cayley, Cheval, Colby, Coupal, Crawford [Brockville], DeLorme [Provencher], DeLorme [St. Hyacinthe], Dorion, Drew, Ferguson, Fortier, Fortin, Fournier, Galt, Sir A. T., Gaudet, Gaucher, Godin, Grant, Grover, Hagar, Heath, Hurdon, Jackson, Keeler, Kirkpatrick, Langlois, Lapum, Little, McDonald, [Glengarry], Mackenzie, Magill, Masson, [Soulanges], McConnell, McConkey, McDougall [Lanark], McDougall [Renfrew], Macdougall [Three Rivers], Mills, Morrison [Victoria], Morrison [Niagara], Oliver, Paquet, Pelletier, Pinsonneault, Pope, Pouliot, Pozer, Redford, Renaud, Ross (Dundas), Ross (Prince Edward), Ross (Wellington, C. R.), Rymal, Scatcherd, Simard, Sproat, Stirton, Sylvain, Thompson [Haldimand], Thompson [Ontario], Tremblay, Webb, Wells, White (Halton), White (East Hastings), Whitehead, Wood, Wright [Ottawa County], Wright [York, Ont., W. R.]. Total nays, 80.

Mr. BELLEROSE would like to do justice to the Lower Provinces, but thought there ought to be a uniform law for the Dominion. He moved that the bill be read a third time on the 31st inst.

Mr. MACKENZIE said the motion would effectually kill the bill, and he appealed to those who desired to see the insolvency law repealed to vote down the amendment.

Mr. SAVARY was understood to maintain the claims of Nova Scotia and New Brunswick, but could not be heard in consequence of the disturbance.

The House divided on Mr. Bellerose's amendment, which was lost on the following division:—Yeas 73; nays 76.

YEAS.—Messrs. Anglin, Archambault, Bellerose, Blake, Bolton, Bowell, Bown, Burpee, Cameron [Inverness], Cameron [Peel], Campbell, Carling, Carmichael, Sir Geo. E., Cartier, Chauveau, Chapman, Cimon, Coffin, Connell, Cumberland, DeCosmos, Dobbie, Ferris, Gaudet, Gibbs, Grey, Harrison, Sir F. Hinks, Holton, Irvine, Jones, [Halifax], Jones, [Leeds and Grenville], Kempt, Killam, Lacerte, Langevin, Lawson, Sir J. A. Macdonald [Kingston], Macdonald [Lunenburg], McDonald [Middlesex], Masson [Terrebonne], McMillan, McMonies, Merritt, Metcalf, Moffatt, Morris, Nathan, Nelson, Pearson, Perry, Pickard, Ross [Champlain], Ross [Victoria, N. S.], Ryan, [Kings, N. B.], Ryan [Montreal West], Savary, Schultz, Scriver, Shanly, Smith (Selkirk), Smith,

(Westmoreland), Stephenson, Street, Tilley, Tourangeau, Tupper, Wallace, [V. I.], Walsh, Wilson, Workman, Young. Total yeas, 73.

NAYS.—Messrs. Baker, Barthe, Beaubien, Bourassa, Bechard, Bertrand, Bowell, Brousseau, Cameron [Huron], Caron, Cayley, Cheval, Colby, Coupal, Delorme [Provencher], Delorme (St. Hyacinthe), Drew, Ferguson, Fortin, Fournier, Galt, (Sir Alex. T.) Gaucher, Godin, Grover, Hagar, Heath, Hurdon, Jackson, Keeler, Kirkpatrick, Langlois, Lapum, Little, Macdonald (Glengarry), MacFarlane, Mackenzie, Magill, Masson (Soulanges), McCallum, McConkey, McDougall [Lanark], McDougall (Renfrew), McDougall [Three Rivers], Mills, Morrison (Victoria), Morrison (Niagara), Oliver, Paquette, Pelletier, Pinsonneault, Pope, Pouliot, Pozer, Redford, Renaud, Ross (Dundas), Ross (Prince Edward), Ross (Wellington, C. R.), Rymal, Scatcherd, Simard, Sproat, Stirton, Sylvain, Thompson (Haldimand), Thompson (Ontario), Tremblay, Webb, Wells, White (Halton), White (East Hastings), Whitehead, Wood, Wright (Ottawa County), Wright, (York Ont., W. R.) Total, Nays 75.

Mr. RYMAL would have been glad to have voted for the motion of the member for Halifax, but when a six months' hoist was proposed every man from the Maritime Provinces supported it, and so desired to frustrate the desires of Quebec and Ontario. and he should therefore oppose them.

The House divided on Mr. Jones' amendment, which was lost on the following division:—Yeas, 72; nays, 82.

YEAS.—Messrs. Anglin, Archambault, Blake, Blanchette, Bolton, Bowell, Bown, Burpee, Cameron (Inverness), Cameron (Peel), Campbell, Carling, Carmichael, Cartier, (Sir George E.), Chauveau, Chapman, Cimon, Coffin, Connell, Cumberland, DeCosmos, Dobbie, Ferris, Fortin, Gaudet, Gibbs, Gray, Harrison, Hinks (Sir Francis), Holton, Irvine, Jones (Halifax), Jones (Leeds and Grenville), Killam, Kirkpatrick, Lacerte, Langevin, Lawson, Macdonald, Sir J. A. (Kingston), Macdonald (Lunenburg), McDonald (Middlesex), Masson (Terrebonne), McMillan, Merritt, Moffatt, Morris, Morrison (Victoria), Nathan, Nelson, Pearson, Perry, Picard, Pinsonneault, Renaud, Ross (Champlain), Ross (Victoria, N. S.), Ryan (Kings, N. B.), Ryan (Montreal West), Savary, Schultz, Shanly, Smith (Selkirk), Stephenson, Street, Tilley, Tourangeau, Tupper, Wallace (Albert), Wallace (Vancouver Island), Walsh, Wilson, Workman.—Total yeas, 72.

NAYS.—Messrs. Baker, Barthe, Beatty, Bechard, Bellerose, Bertrand, Bodwell, Bourassa, Brousseau, Cameron (Huron), Caron, Cayley, Cheval, Colby, Coupal, Delorme (Provencher), Delorme (St. Hyacinthe), Dorion, Drew, Ferguson, Fournier, Galt (Sir A. T.), Gaucher, Geoffrin, Godin, Grant, Grover, Hagar, Heath, Hurdon, Jackson, Keeler, Kempt, Langlois, Lapum, Little, Macdonald (Glengarry), MacFarlane, Mackenzie, Magill, Masson (Soulanges), McCallum, McConkey, McDougall (Lanark), McDougall (Renfrew), Macdougall (Three Rivers), McMonies, Metcalf, Mills, Morris (Victoria), Oliver, Paquet, Pelletier, Pope, Pouliot, Power, Redford, Ross (Dundas), Ross (Prince Edward), Ross (Wellington Centre), Rymal, Scatcherd, Scriver, Simard, Smith (Westmoreland), Snider, Sproat, Stirton, Sylvain, Thompson (Haldimand), Thompson (Ontario), Tremblay, Webb, Wells, White (Halton), White (East Hastings), Whitehead, Wood, Wright, (Ottawa County), Wright (York, Ont.) Young.—Total nays, 82.

The bill was then read a third time amid loud cheers.

INTERCOLONIAL RAILWAY GAUGE.

The second order was then taken up for

Hon. Mr. Mackenzie.

the further consideration of Mr. Bodwell's motion that the House resolve itself into Committee of the Whole to consider a resolution declaring it desirable to adopt the four foot eight and a half inch in gauge, in the construction of the Intercolonial Railway.

Hon. Mr. LANGEVIN resumed the debate, saying that a change of gauge of the Intercolonial would involve also a change of the gauge of the Nova Scotia Railway at a very great expense. He read a letter from the Chief Engineer, and said that until the Grand Trunk Railway was changed it was undesirable to change the Intercolonial. The change should be made from the west to the east, and the rolling stock at present on broad gauge lines could be used upon the Intercolonial and Lower Province Railways. On these grounds he thought the House should allow the gauge fixed by law to remain. He repeated his remarks in French.

Hon. Sir JOHN MACDONALD moved the adjournment of the debate.

Hon. Mr. BLAKE objected to an adjournment as private business had been almost at a standstill.

Hon. Sir JOHN MACDONALD said there were so few members present that the debate should be adjourned.

Hon. Sir JOHN MACDONALD moved the adjournment of the House.

The House adjourned at eleven o'clock.

HOUSE OF COMMONS.

OTTAWA, Saturday, May 18th, 1872.

The SPEAKER took the chair at a quarter after one.

PETITIONS.

Several petitions were presented and a conversation took place as to whether time had not expired for the reception of petitions for private bills.

MARQUETTE ELECTION.

Hon. Mr. CAMERON presented a report from the Committee on Privileges and Elections, reporting that both members in the Marquette election requested an adjournment of the case for six weeks, and that it was adjourned accordingly.

PROMISSORY NOTES.

Hon. Mr. CAMERON introduced a bill to amend the laws relating to Promissory Notes.

SAULT STE. MARIE RAILWAY.

Mr. ANGUS MORRISON moved for leave to introduce a bill respecting Sault Ste. Marie Railway.

PILOTS.

Hon. Mr. TILLEY moved that the House go into committee on Tuesday next to consider the following resolution:—

That it is expedient to repeal the Act of the Legislature of New Brunswick, 26 Vic., cap. 36, respecting the government of pilots in the county of Charlotte,—and to authorize the Governor in Council to appoint three Commissioners for the said county, who shall have power to make rules and regulations for the government of pilots for the coasts and harbours of the county; to fix the rates of pilotage, and to impose penalties, not exceeding \$40, for any breach of any such rules and regulations approved by the Governor in Council.

FRAUDULENT MARKS.

Hon. Sir J. A. MACDONALD moved the House into Committee on the Bill to amend the law relating to the fraudulent marking of merchandise.

The Bill was passed through Committee.

GEOLOGICAL.

The House went into committee on the Bill to make provision for the continuation and extension of the Geological Survey of Canada, and for maintenance of a Geological Museum.

The Bill was passed through committee.

SAVINGS BANKS.

Hon. Sir F. HINCKS moved the House into committee on the Bill to amend the Government Savings Bank Act, cap 6 of Statutes of 1871.

The Bill was passed through committee.

PUBLIC DEBT.

Hon. Sir F. HINCKS moved the House into committee on the Bill respecting the Public Debt and the raising of Loans authorized by Parliament.

The Bill was passed through committee.

LARCENY OF STAMPS.

Amendments made by the Senate to the Bill for the avoidance of doubts respecting the Larceny of Stamps, was read a second time.

CIVIL SERVICE.

Hon. Mr. TILLEY moved the second reading of the Bill respecting the Civil Service. Carried; and the Bill was passed through committee.

STATUTES OF CANADA.

Hon. Sir J. A. MACDONALD moved the second reading of the Bill respecting the Statutes of Canada. Carried, and the Bill was passed through committee.

IMMIGRATION.

The Act to amend the Immigration Act of 1869 passed its second reading.

PATENTS OF INVENTION.

The Act respecting Patents of Invention passed the second reading.

In committee Mr. POPE explained that the only change was to dispense with the condition of a year's residence. There was another change to allow patentees to put their invention into operation within two years, the time previously allowed, one year, being found insufficient.

Mr. MILLS thought that existing manufactures should be considered, for, under the Bill, a patent could be obtained which would prevent a manufacture already in operation being continued.

Hon. Mr. POPE said a patent could only be taken out if the invention had not been used for a year.

Hon. Mr. MACKENZIE urged that no patent should affect an existing manufacture, and unless the bill were changed in this respect he should at some stage move an amendment.

Hon. Mr. POPE said his object was to leave the Bill as before as much as possible; but, if the change mentioned were considered necessary he had no objection to it.

Mr. YOUNG urged that the change should be made, so that no American patent could interfere with a Canadian manufacture.

Mr. WOOD said that, after the passage of the Bill, patents issued in the United States and afterwards taken out in Canada should be secured if taken out in Canada within a year of the United States patent.

Hon. Mr. POPE said this was already provided.

After further conversation the Bill passed through committee with amendments.

MANITOBA EXPEDITION.

The Act to indemnify the members of the Executive Council, and others, for the unavoidable expenditure of public money, without Parliamentary grant, occasioned by the sending of an expeditionary force to Manitoba, in 1871, was read a second and third time and passed.

Hon. Sir J. A. Macdonald.

INSPECTION OF PRODUCE.

The Act to amend and consolidate, and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce, was read a second time, and referred to the Standing Committee on Banking and Commerce.

IMMIGRATION.

Hon. Mr. POPE moved the second reading of the Act to amend the Immigration Act of 1869. He said the cry from every quarter was that, if we would only give assistance towards the passage money, we could get any number of Immigrants. His object was to assist the immigrants, but the hon. member for West Durham had charged him with trying to punish them. The Government of Ontario had done something, and the Government of the Dominion had done something; but it was not enough. He was sure that, through their agents, money might be safely advanced. He instanced a case of a society in Ottawa, which had assisted hundreds of immigrants who willingly accepted the terms of repayment, but it was felt that there should be some farther security to the Society.

Hon. Mr. CHAUVEAU agreed with the object of the bill, but feared that, as at present worded, it would interfere with the civil rights of the various Provinces.

Hon. Sir G. E. CARTIER explained the law relating to immigration, and said it was quite correct for his hon. friend to bring down a measure asking Parliament to grant a sum of money to be placed at his disposal, in order to induce immigrants to come into the country.

Mr. FERGUSON said the law of Ontario provides that land settled upon by immigrants becomes a homestead, and cannot be affected by any legislation of the Dominion Parliament. It would, therefore, be deceiving those who advanced the money, to tell them that the lands given to immigrants could be sold under judgment. His experience had been that, with all the money immigrants could earn, they did not get sufficient to keep them.

Mr. JONES (Leeds and Grenville) from past experience, had very little confidence in any scheme for the encouragement of immigration into this country. They had had immigrant agents in all parts of the world, but with all that those gentlemen had done, we had very little increase in population. He thought the object should be to encourage industries in our own country, in order to keep the population here, instead of allowing them to go to other countries, as at present.

Mr. JACKSON feared that the fourth section was open to abuse. It provided that the agreement made in England by the agent should be binding here. Emigrants might desire, from offers of higher wages and other reasons, to break the engagements made, and if they were forced to carry out those engagements as provided in the Act it might cause great irritation, and might drive the emigrants from the country.

Hon. Mr. BLAKE concurred in the remarks of the hon. member for Grey. He thought that the provision by which the wages of the immigrants should be attached for the money advanced to him in his own country, was a provision beyond the power of the General Legislature; it dealt with property and civil rights; and, although the General Parliament had power to pass laws relating to immigration, he denied that they had power to pass laws affecting the civil rights of persons coming to this country. The Act was objectionable in several of its clauses in this respect. He thought that the provision making seduction a criminal offence a good one; but he saw no reason why seduction should be a criminal offence at sea and a civil one on shore.

Mr. BLANCHET thought that if immigration was to be encouraged provision should be made to facilitate and assist it. He thought the best way to prevent emigration from this country would be to proceed with the Pacific Railway and other great works at once. He asked whether it was intended to provide hospital accommodation for emigrants on their arrival at Quebec. He hoped that such accommodation would be provided in the new sheds being constructed.

Mr. MILLS thought the bill was to legislate on subjects not within its jurisdiction, thus interfering with the legislation of the several Provinces. Although this Parliament had concurrent power to deal with the subject of legislation regarding emigration, it only applied, in his opinion, to such matters as were not vested in the Local Legislatures. The seventh clause was clearly a provision that this Parliament could not make; as hotel-keepers were licensed by the Local Government and under their control.

Mr. ANGLIN thought there was no doubt about the position taken by the members for Bothwell and West Durham. He thought the provision to advance money to emigrants a good one in one sense, as the emigrant would feel that he was under certain obligations to those who advanced the money, and it would no doubt induce many to remain in the country. He said

there were many objections to the bill, but the question was such a difficult one that he must confess he could suggest nothing better. He thought the measure would induce a mere Coolie system. He explained that he meant by this the binding of emigrants before taking passage to work for a certain number of years for a certain price, which might be very unfair to them.

Hon. Sir FRANCIS HINCKS desired to refer to the charge of the member for Gloucester, that the present bill was nothing but a Coolie system. That gentleman surely could not understand that system. Having been Governor of a Colony where this system was in force, he might claim to be better acquainted with the subject than any other member. He explained that where the Coolies were recruited—India and China—the agents were under the immediate and careful supervision of the Governments there, and every effort was made to prevent abuse. The essential feature of the scheme was that the planters were compelled to pay the Coolies, during the time of their engagement, the current wages paid to unindentured labourers, and, in addition, to provide them with house accommodation and medical attendance. He admitted the bill was not perfect in all respects, but the question was not a party one, and there were so many difficulties connected with it, and it was a matter of such consequence to the country, that there should be as good a scheme as possible, he hoped all members would assist the Government in making it so.

Mr. FERGUSON called attention to section twelve, which he considered very indefinite.

Hon. Mr. POPE said the section would apply to all emigrants, and the proceeds of the property of emigrants dying would be handed to the institution taking charge of the children.

The bill was read a second time.

The House adjourned at 5:25.

SENATE.

MONDAY, 20th May, 1872.

The SPEAKER took the Chair at 3 o'clock p. m.

RAILWAY BILL.

Hon. Mr. HAMILTON, from Committee on Banking, Railways, and Commerce, reported Bill respecting G. T. R. and International Bridge Companies, without amendment.

PETITIONS.

Hon. Mr. SANBORN, from Committee on Standing Orders and Private Bills, reported favorably on petitions of Manitoba Insurance Co.; Manitoba Bank; Ontario Shipping Forwarding Co.; Anchor Marine Insurance Co. They also reported that petitions of W. Ford Jones of Gananoque and others, and Dominion Trust Co. refer to provincial objects.

CIVIL ACTIONS IN BEAUCE AND MONTMAGNY.

Hon. Mr. BUREAU moved:—That an Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a tabular or other statement showing:

1st. The number of actions, oppositions or other proceedings of an appealable nature, in which contestations took place, and hearings on the merits were had in the District of Montmagny, from the first January, 1868, to the first January last; the number of such causes in which judgment has been rendered; how many of them have been carried before the Court of Revision or the Court of Appeals; how many of such judgments have been confirmed; how many reversed, and how many are still undetermined in Revision or in Appeal.

2nd. The number of actions, oppositions or other proceedings of an appealable nature in which contestations took place and hearing on the merits were had in the District of Beauce, from the first of January, 1868, to the first of January last; the number of such causes in which judgment has been rendered; how many of them have been carried before the Court of Revision or the Court of Appeal; how many of such judgments have been confirmed; how many reversed, and how many are still pending undetermined in Revision or in Appeal.

3rd. The distance between Montmagny, St. Michel and St. Jean respectively, and the City of Quebec, and the mode of communication between those places and the City of Quebec and Montmagny, respectively.

Hon. Mr. CAMPBELL said that a good deal of the information asked for was not in the control of the Dominion Government, but was to be obtained by reference to the local administration.

ELECTORAL DISTRICTS IN N.B.

Hon. Mr. BOTSFORD asked whether it was the intention of the Government to equalize the Electoral Districts, for the election of Members to the Commons in

Hon. Mr. Sanborn.

New Brunswick, and how it proposes to apportion the additional Members to which that Province is entitled. He called attention to the inequality of the electoral divisions in New Brunswick as respects the election of members for the Commons. For the last five years evident injustice had been done to large and populous districts. For instance, Westmoreland, with a population of 30,000, had only one representative, whilst three others, with only 23,000 souls, had one each. Restigouche, Sunbury, Albert and Victoria with 31,700 had four representatives. He mentioned some other facts in corroboration of his assertion at the commencement of his remarks, and urged the necessity of remedying the injustice that had been done under the temporary Act now in operation.

Hon. Mr. MITCHELL replied that he was glad that the hon. member had called attention to a question of so much importance, and that he could only say for the present that the Government had gathered all the facts they could in relation to the subject, and would soon be able to state the conclusions to which they had come.

SUPERIOR COURT JUDGES.

Hon. Mr. BUREAU asked—

1st. Whether the Government will, during the present Session, appoint a *Puisné* Judge of the Superior Court at Montreal, conformably with the Act of the Legislature of Quebec, passed at its last Session?

2nd. Whether to that end, resolutions will be introduced during the present Session, providing for the payment of the salary of such sixth Judge, or whether a sum for the salary of such sixth Judge has been placed in the estimates for the fiscal year 1872-3?

3rd. Whether the Government intend to increase the salaries of the *Puissés* Judges of the Superior Court for the Province of Quebec, seeing that those salaries are insufficient, considering the important duties those Judges have to fulfil, and the qualifications their high and responsible position requires them to possess?

In making the motion he called attention to the anomalous position in which the administration of Justice stood owing to the B. N. A. Act. Before a new Judge could be appointed the Local Government had to pass a law, and the Federal Government had to nominate him and fix his emoluments. He hoped that there would be as little delay as possible in promoting the administration of Justice in Quebec, and with the view of obtaining

information on that point, he had made the motion in question.

Hon. Mr. CAMPBELL replied that it was the intention of the Government to introduce a Bill which would effect the object referred to in first enquiry. Provision would also be made for the payment of such an office, as soon as the necessary legislation was effected. He quite agreed that the salaries of the Judges were too low, and had no doubt that it would be necessary to revise them next session.

RAILWAY.

The Bill to amend the St. Francis & Megantic Railway Act was read a third time and passed.

QUARANTINE.

The House then went into Committee—Hon. Mr. FERRIER in the Chair—and passed the Quarantine Bill, with an amendment. It was read a third time and passed.

PUBLIC OFFICERS.

The House again went into Committee—Hon. Mr. LETELLIER DE ST. JUST in the Chair—on the Bill in reference to the security given by officers of Canada, and passed it without amendment. The Bill was then read a third time and passed.

DOMINION NOTES.

Hon. Mr. CAMPBELL moved the second reading of the Act regulating the issue of Dominion Notes, and in doing so stated that under the law passed in the thirty-third year of Her Majesty's reign, the Government received the power to issue Notes up to a certain amount, and when that amount was exceeded then they were only allowed to issue additional Notes by holding the same sum in specie for the redemption of such Notes in excess. This regulation had been found by the Government to operate unfairly upon the banks and the public, as there was a demand from day to day for smaller notes over and above the amount in circulation which it was very difficult to meet on the terms mentioned in the original Act. It was therefore proposed under the Bill to allow an issue of Notes, &c., above the \$9,000,000 on a security consisting partly of specie—at least 20 per cent. of the excess—and partly on deposits held by the Banks. The Government had come to the conclusion that such a measure was necessary for the convenience of the country at large. The security was ample inasmuch as the 20 per cent. was a sum in

specie not exacted from the Banks, who were consequently more favored than the Dominion itself. He also argued that this sum really represented a good deal more. The Government were obliged to hold specie at four different places in the different provinces and to meet the fluctuating currency they would necessarily be obliged to keep more than 20 per cent. It had also been found that the circulation is fluctuating, and the Government through the Finance Minister, had been obliged from time to time to interfere and limit the circulation unnecessarily and inconveniently because the arbitrary rule had been laid down that they must hold dollar for dollar over and above the issue of nine millions of dollars.

Hon. Mr. MACPHERSON regretted that the Government had seen fit to introduce such a bill, as he could not help feeling that it was a step in the wrong direction. It was above all things important that the currency should rest on a very secure basis—immediate redemption in gold. Under the present Bill it was proposed to change the present Law, so that only 20 per cent. need be kept in reserve to redeem the excess of circulation over and above the \$900,000,000. It was true that the bill also provided that the balances held by the Government in the banks should be considered as a portion of the reserves. He hoped that the Government would not press such a provision. Those deposits were not equivalent to gold; for the banks are not obliged to redeem their notes in gold, but in Dominion paper. So the effect of the system was really paper upon paper. He did not think it judicious to weaken the reserves too much. It was quite possible that dollar for dollar was an unreasonable amount, and less might do; but the amendments proposed in the Bill went altogether too far in the wrong way. They had the tendency to render the immediate redemption of notes less secure, a state of things which Parliament should guard against, for the result might be a depreciated currency. He was also afraid that the tendency of the measure would be to create bank favoritism—a very undesirable result certainly. So long as the present Government were in power, he did not apprehend any danger, but it was wise to guard against the future. Suppose the case of a favored bank being in a weak position, and that the Government wished to help it, it might lend such an institution a million of dollars, and only require one-fifth of that amount to be held—or \$200,000 in gold. The balance of \$800,000 might remain on deposit, or the bank might get credit for

an unlimited time. Such a state of things was, in his opinion, very objectionable, and should be prevented if possible. We had an instance in Upper Canada where a certain bank suffered very much from favoritism of this sort. Money was left on deposit, which it lent unwisely, and everybody knew the unfortunate results that accrued at last. He hoped that the Government would not press the bill in its present shape, but would consent to hold at least 40 per cent. in gold. The Postmaster General had quite correctly stated that the Government would in reality hold more than 20 per cent., and, for the same reason, the 40 per cent. would, in the end, actually amount to 50 per cent. Such a reserve would be quite sufficient, but still the other provision with respect to the deposits was very objectionable, and he would like to see it expunged from the Bill.

Hon. Mr. RYAN agreed with most of the remarks of the preceding speaker, for he was sure that whilst we based our currency on gold, we would have a currency which would inspire confidence among all who have business to do with the country. If we departed, to any great extent, from such a principle, as would be the case under the bill, then confidence in our monetary position would be impaired. When we relaxed our system and held out to banks an opportunity of receiving currency which they do not require to pay for in gold, undue expansion would ensue, and financial embarrassment be the final result. As long as we went on prosperously that expansion might seem safe enough, but let a crisis occur, as it may occur in the best regulated countries, and banks get into difficulties, then the country would suffer. It was more prudent to go on quietly and cautiously than to encourage undue expansion and its dangerous consequences. He hoped that the appeals which had been made to the Government would be heeded, and that they would consent to amend the Bill. The House had confidence in the financial capacity and prudent management of the gentleman who now conducted our financial affairs, and whilst he remained in the same position the country was not in danger; but we had no guarantee for the future, for we did not know who might be in office some years hence, and therefore it was advisable to protect the public interests by every means in our power. He was confident that those banks which wished to carry on their affairs prudently, would not object to see the amount of specie held in reserve augmented to 40 per cent.

Hon. Mr. Macpherson.

Hon. Mr. LETELLIER DE ST. JUST said that the held views similar to those just expressed, but he believed the wealth of the country which was the guarantee for the debentures was as good as gold. But the moment the benefit of the circulation was given to the banks instead of to the country, then we were moving in the wrong direction. It became more necessary that gold should be the basis, the moment you deprive the Government of the benefit of the circulation and hand it to the banks.

Hon. Mr. WILMOT said that every one could bear testimony to the benefit derived by the whole country from the issue of Dominion Notes. When he had first addressed the House on this subject in 1867, the amount of the circulation, was only \$12,000,000, consisting almost entirely of Bank Notes—not one per cent. on the taxable property of the country. His hon. friend from Toronto had dwelt strongly on the gold as the great security, but he (Mr. W.) could remember that in 1825 had it not been for the discovery of some one pound notes, the Bank of England would be obliged to shut its doors. The country, at that time, wanted circulation,—there was no want of prosperity—and the result was a crisis, causing great depreciation of property in Great Britain, ruinous bankruptcies, and the failure of many Banks. We have a country of 4,000,000 of people, and the Census of 1851 shewed property to the amount of \$14,000,000. If we looked at the country alongside of us, and compared the Census returns from 1861 to 1871—during which years a most disastrous war had occurred, causing the withdrawal of an immense number of persons from industrial pursuits, and destroying an enormous amount of property, we find that the value of taxable property had increased from \$1,000,000,000 to \$30,000,000.

Hon. Mr. MACPHERSON—The value in one case is in gold, and in the other in depreciated currency.

Hon. Mr. WILMOT—At the same time there was now held more gold in the Banks of the United States and Treasury Department than ever before. This result was due in his (Mr. W's) opinion by Mr. Chase adopting the policy of issuing legal tender notes to the extent of \$413,760,863 and establishing a free Banking Law with an issue of \$300,000,000 of national Bank Notes, making the whole currency uniform guaranteed by the nation. Under this financial policy, no notes could be issued by the Banks without security, and it had given such a stimulus to the industry of the people,

that they had not only paid off the large sum of \$890,000,000 of their debt, but had also released the country of a large portion of internal taxation. The policy was not without precedent, for Mr. Pitt, one of England's greatest statesmen, had inaugurated one somewhat similar in 1797 by making Bank of England notes a legal tender guaranteed by the State, leaving gold to find its value in the market like all other commodities, which continued until 1823. The hon. member would not deny that during the period referred to, it was the trade with that country (U.S.) which had stimulated production in the Dominion, and thereby kept up our Banks in a great measure, by supplying them with a large amount of foreign exchange. Our farmers and others were able to sell their goods to our neighbors, for the very currency of which he spoke so disparagingly, and in that way assist to swell the revenue to its present proportions. The Bank of England was restricted by the Act of 1844, and beyond the £15,000,000 of notes secured by consols, was obliged to hold five sovereigns for every five pound note issued by this Act. The banking department was separated from the issue department. In 1847 the bank was bankrupt so far as law was concerned and the Government had to come forward and relieve the bank by allowing it to issue notes beyond the law. In 1857 it was the same thing, and in 1866, two banks had a larger amount of deposit in the bank of England than all the gold that was held in both departments, which they threatened to demand. Again the Government had to come forward and stop the depreciation of property, in consequence of the restriction of circulation caused by a foreign demand for gold. Even now on account of the German purchases of gold in the London market, the Bank of England had again raised the rate to five per cent., and it may go far higher, restricting the home trade, and may end in a crisis and panic. He was of opinion that the gold system was based on a fallacy—it was attempting to make a certain quantity of gold not only the unit of quantity, but the unit of value, a thing impossible without causing violent fluctuations. The history of the United States for the past ten years was a proof that the theory in question was based on a fallacy. Their system had tided the country through a most critical period without a commercial crisis, when its credit was almost prostrated, and lately the discount had been only $9\frac{1}{2}$ as between paper and gold. Great Britain paid off more of her debt during

the two years closing the war of 1815, than she has ever paid since, and that was under the system of making Bank of England notes legal tender, and allowing gold to find its value in the market like any other product of labour. The effect of resuming specie payments, under Sir Robert Peel's Act of 1819, was to increase the public debt and private debts incurred in paper at $13\frac{1}{4}$ to the sovereign—in fact to increase all the liabilities of the country one-half for the benefit of the fund-holders and creditors at the expense of the public and the debtors. With respect to the present Bill, it left the Dominion notes up to \$9,000,000, as they were before, but as regards the issue beyond that sum there was no restriction whatever. In his judgment, the amount of Dominion notes ought not to exceed the amount of the annual revenue. In the next place he did not think the public should endorse the amount of circulation to be given to the Banks without their obtaining something for it. The circulation of Dominion notes was the best kind of currency we could have, for with them we could travel from one end of the country to the other. They were a legal tender endorsed by the State, and the whole property of the country was liable for their redemption. What he wished to see was, that the circulation is as secure as in the neighboring country. The Banks were not liable to be called upon to pay in gold on demand. They had to deposit actual value in debentures of the United States—and receive only 90 per cent. of circulating notes for them. In this country the result of the circulation of Dominion notes had been most beneficial. Now the total circulation had risen from \$12,000,000 to \$34,000,000—the Bank circulation having reached \$23,000,000, and that of the Dominion notes \$11,114,000. He wished to see our banking system made still more liberal, so that any number of individuals, on furnishing proper security, and registering the name of their locality and amount of capital, should have the right to establish a Bank; and he was sure that the intelligence of the country would support such a system, for it would place banking in the same position as all other business dealers in money.

Hon Mr. BUREAU said that he considered the issue of Dominion Notes when prudently managed, could promote the public interests. The money now circulating might be doubly advantageous to the country. In the first place, it was a benefit inasmuch as we had not to pay interest on the Dominion notes. Again, the money we have to borrow in England

for the construction of our public works, could be placed out at interest at a good rate—nearly equal to the amount we have to pay in England. Indeed, it might be shown that we would receive a benefit to the extent of making a saving of 8 per cent. by the circulation of our notes. The Government was to reserve 20 per cent., and that was quite sufficient in his opinion, because we had the whole country as security, and the Government might at any time have gold for any amount; and in fact we had enough to meet our liabilities. The only thing of which he complained in the present bill was, that there was no limitation as to the issue. If we looked to the experience of the United States to guide us, we found that the amount of the circulation of the Banks was limited to some \$300,000,000, and comparing our population with that of the United States we would be entitled to \$30,000,000. It was better for the Government to state definitely what amount they will require, but under any circumstances we must act with great care. The first time the Government issued notes, they asked for \$5,000,000, then they raised the sum of \$9,000,000, and now no amount was fixed, but the Government might issue as much as they pleased. One danger he apprehended was the patronage of the Government being handed to one favoured Bank, and in that case a crisis might arise. In the month of September last, there was such a crisis because the gold was going out of the country into the United States where the market was a good deal better. The strongest institution had control of more gold than all the other institutions of the country combined, and the result was it had its own way. When it required more gold for operations in the United States it went to the other Banks and forced them to give it. Necessarily the Banks were obliged to ask more for discount so as to pay for the gold they were obliged to get from the United States. The consequence was the Banks did not respect their charters, but obliged persons applying to them for accommodation to pay 9 per cent. In September the Bank in question had in specie—in other countries, \$9,258,557, here \$1,571,093 or \$10,835,644, whilst all the other Banks in Ontario and Quebec had altogether only \$4,317,25; and hence it would be seen what power it held in its hands.

If the patronage of the Government is only to benefit one institution, if the deposits were not made of such a proportion as to prevent any run on the Bank, there would be greater danger to be apprehended

than now exists, of commercial embarrassment and bankruptcy. In the United States, the Government could always hold the keys of the position, inasmuch as the importations are paid in gold, and they have always in the treasury a quantity of specie to protect every note circulated by the different Banks as at par, for it was considered as gold. If any persons combined to create a crisis with a view to speculation the Government were in a position to step in and prevent it. In this country, on the other hand, it was not possible to find gold in a moment. If the Government received the money for the Pacific Railway and placed it at deposit in a particular Bank they could not ask for it at a day's notice. Since the British Government had found it expedient to withdraw the troops from the country, we were annually losing a great amount of gold—some million of dollars; and consequently we had to meet the expense of the defence of the country ourselves. Under these circumstances the country was a loser to the extent of perhaps two millions of dollars. On the 30th April last circulation of the Banks was \$23,307,658; of Dominion Notes \$10,129,575; fractional currency \$396,967; making a total issue of \$33,834,198. In specie the Banks held \$9,002,522, and the Government \$3,028,368 for the redemption of Dominion Notes; making a total of \$10,060,090. From the foregoing figures it would be seen that the circulation of notes was about the same in proportion to population as that of the United States. He did not know what the Government intended to do, but he thought it would be wise policy to fix the amount they proposed to raise under the present measure. They had already done a great deal to promote the monetary circulation of the country; for it was not long since very many complaints were coming in of the inconvenience and loss arising from the existence of a depreciated currency; and no one undertook to remedy the difficulty until the present Finance Minister came into office. The persons who suffered principally by this depreciated currency were the small dealers and merchants throughout the country, and many of them had to pay as a daily operation at the rate of 5 per cent. on the \$100 to get rid of the coin, and the consequence was financial embarrassment time and again. He did not understand why the Finance Minister should not state the amount he intended to raise. Perhaps he proposed making a great financial stroke, place the money he would borrow for public works in the different banks and receive interest on it, while he

Hon. Mr. Bureau.

circulated as many notes as he wished. He regretted that we had not now in this country a banking system like that in the United States, which would enable persons with a much smaller capital than \$200,000 to establish banks. He would like such institutions in towns and villages, with a capital of \$50,000. At present, the system was calculated to benefit only the wholesale merchants, but he wished to assist the farmers and small dealers in addition throughout the rural districts, but he had every confidence that the time would soon come when we would have a more liberal banking law. He could see evidence pointing to the establishment ere long of a Bank of Issue by the Government. In the meantime, however, for the reasons he had stated he must give his support to the measure before the House.

Hon. Mr. WARK believed the present Bill was a departure from the system heretofore established in this country. The first \$5,000,000 issued required four millions of debentures and one of gold. The second four millions required one of gold also. Accordingly, the issue of nine millions required seven of debentures, and two of gold. Then we had to follow the practice of the Bank of England and issue every additional dollar on condition that it be redeemed in gold. He believed that the system so far had been profitable to the country, but it was an experiment the result of which had hardly yet been shown. It might be compared to the experience of a new Insurance Company; premiums came in very rapidly whilst the losses were small; but the time might arrive when embarrassment and complications would ensue. He was of opinion that we should proceed with caution and not push the system to extremes. The effect of the proposed change, he believed, was to withdraw gold from the country. He knew that the Finance Minister expected that the additional issue would be in smaller notes; but it did not follow that the banks would put one dollar more of the money into circulation than was actually necessary to meet the demand of their customers. If anything beyond that was actually needed for the necessities of the country was issued, it would go into the vaults of the Bank and form part of their cash reserve, and gold would go gradually out of the country. In England the business was done with sovereigns. The Banks did not issue any notes under five pounds; but here there was paper as low as one and two dollars. The amount of cash reserves held in this country was some \$14,000,000, and assuming \$7,000,000 of that was in

Dominion notes, then there was \$7,000,000 in gold, and if the Government held \$3,000,000 more, that made \$10,000,000 to represent the whole gold of the country. Indeed, it was a very rare thing to see gold passing in ordinary business transactions. Since the Union of the Provinces the country had been generally prosperous—no financial crisis had occurred, no difficulty had arisen to prevent the circulation being kept afloat; but in case of a monetary crisis, embarrassment might arise, and it was against such a contingency that Parliament should guard. Under all the circumstances he recommended caution, and a limitation to the accommodation which the Banks should receive. He did not believe there was any security in a paper currency—it was like a lottery.

Hon. Mr. SIMPSON said if we had the power to legislate so that other countries would take our notes as gold, hon. gentlemen might be right in the conclusions they come to; but the Chinese would not sell us their silks or teas without receiving what they considered the true equivalent. He did not think that the experience of the world had found out any currency equal to gold. He held that there was no safe banking unless there was a proper equivalent at the basis of the circulation. If a bank issued \$10 or 12,000,000 they had an equivalent in the shape of merchandise. True the Government had the whole country—they could impose additional taxes; but, nevertheless, they had no true commercial equivalent to fall back upon. He contended that the Bill was a breach of faith with the Banks, who agreed to surrender their rights on certain conditions, which they had fulfilled on their part. He remembered the time when he could buy Government notes for 20 per cent discount—when the notes of a people of 40,000,000 were only worth 40 cents on the dollar. He was afraid that the principle on which we were acting would lead to a far worse state of things; for the Bill was entirely a step in the wrong direction. In 1879 and 1870, the whole of the discounts of the Banks of Ontario and Quebec were about \$56,000,000, while they had reached some \$94,000,000 at the present time; but he was unable to account in a legitimate way for so large an increase. He believed the present measure would lead to undue expansion and speculation, and sooner or later disturb business and bring about a financial crisis. No bank doing a correct business would advance money except for a sufficient equivalent, but here the Government proposed to issue without giving the country good

security. He did not see anything in the measure with respect to the disposing of the notes—they might favor one institution to the injury of the others. Under any circumstances the amount of reserve should be much larger—at least 40 per cent.

Hon. Mr. BENSON was of the same opinion with those who urged that the principle of the Bill was not safe. He must express his strong objection to a system which made no restriction as to the amount of issue. He had every confidence in the finances of Canada, but at the same time he must urge that the amount of reserve be raised to 40 per cent. at least, and the amount of issue be limited.

Hon. Mr. CAMPBELL denied that there had been any breach of faith whatever with the banks. Parliament placed on the Statute Book a law reserving to the Government the right to issue notes within a certain denomination, and giving the banks privilege of issuing notes of a different denomination, besides relieving them of their taxes. The necessities of the country demanded that there should be an additional issue of one dollar notes. It was idle to say that a rule laid down at a certain period was to last for all time to come. If there was really a necessity for the augmentation of one dollar notes, then it was absurd to say we should be tied down by a cast iron rule applicable to different circumstances. His hon. friends thought there should be an increase of the specie reserve; but it should be remembered that the banks were not obliged to hold a single dollar in specie; and if that was considered safe in the case of those institutions, it ought to be so certainly in the case of the Dominion which was liable for, and able to meet all its own liabilities. The Government could have no object in view in proposing such a measure except to meet the requirements of the country. No Ministry would dare to favor one bank by giving it the control of the greater part of the issue; the Bank returns were published from week to week, and the amount of their deposits could be easily seen. He admitted that there must be a basis in gold, but he did not understand that the Finance Minister was particularly wedded to the amount of reserve. He had great respect for the opinions of hon. gentlemen who had spoken on the question, and would take the earliest opportunity of consulting the Finance Minister on the subject.

Hon. Mr. SIMPSON said that five gentlemen, deputed by Banking institutions had waited on a member of the Cabinet

Hon. Mr. Simpson.

who took the leading part on this question, and had come to an understanding with him.

Hon. Mr. BOTSFORD said that a limit of some kind should be fixed to the issue of notes.

Hon. Mr. NORTHUP was inclined to the opinion that the measure, on the whole, would be acceptable to Nova Scotia. Some 80 per cent. of the Dominion notes would get into circulation, and the currency of the whole country in that way benefited. The best security which the Dominion had lay in the prudence of the Finance Minister and in the standing of the Banks. The Finance Minister would not issue money except to meet the public necessities, and certainly he would not advance it to any Bank unless he had confidence in its management and discretion, and that he could ascertain from the returns and other means open to him. He felt that the Nova Scotia Banks, managed as they were by discreet Directors, might be safely entrusted with the circulation. Under all the circumstances, having given the measure his careful consideration he was quite prepared to accept it as devised in the interests of the country.

The Bill was read a second time.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, Monday, May 20, 1872.

The SPEAKER took the chair at 3:15 p.m.

PETITIONS.

A number of petitions were presented.

PRINTING AND BINDING.

Hon. Mr. MORRIS presented a return to the address giving a statement of the amounts paid for confidential printing and binding.

BANKING PRIVILEGES.

Mr. THOMPSON (Haldimand) asked when he might expect the return relating to Banking Privileges.

Hon. Dr. TUPPER replied that he would answer to morrow.

IMMIGRANT RETURNS.

In reply to Mr. Stirton,

Hon. Mr. LANGEVIN stated that the return of the number of emigrants conveyed over the Dawson route was being prepared and would be brought down at an early day.

CHATHAM BOARD OF TRADE.

Mr. STEPHENSON moved for leave to introduce a bill to incorporate the Board of Trade of Chatham.

NATURALIZATION.

Mr. MORRISON (Niagara) moved the House into committee to consider the bill to naturalize Mr. A. G. P. Dodge. The committee rose and reported without amendment and the bill was read a third time and passed.

DOMINION WATER WORKS COMPANY.

Mr. WOOD moved the House into committee on the bill to incorporate the Dominion Water Works Company.

Hon. Mr. BLAKE thought the bill required amendment, inasmuch as it might be taken to sanction the validity of the patent mentioned in the preamble, and he thought that a clause should be inserted showing that it in no way sanctioned the validity of the patent.

After a short discussion it was agreed to insert a clause to that effect, and the committee reported progress and asked leave to sit again.

BILLS ADVANCED.

Mr. STREET moved the second reading of the Act to amend the Act incorporating the British America Assurance Company, and the subsequent Act affecting the said Company, as amended by the Standing Committee on Banking and Commerce, which was carried.

The House then went into committee on the bill, rose, reported, and the bill was read a third time and passed.

Mr. GIBBS moved the second reading of the Act to amend the Act 27 Vic., cap. 50, intitled An Act to incorporate the London and Canadian Loan and Agency Company (limited), as amended by the Standing Committee on Banking and Commerce. Carried.

The House then went into committee on the bill, rose, reported, and the bill was read a third time and passed.

Hon. Sir FRANCIS HINCKS moved the second reading of the Act respecting the Toronto Savings Bank as amended by the Standing Committee on Banking and Commerce. Carried.

The House then went into committee, and the bill was reported, read a third time and passed.

Mr. MERRITT moved the second reading of the Act to incorporate the St. Catharine's Board of Trade. Carried.

The House then went into committee, and the bill was reported a third time and passed.

Mr. MAGILL moved the second reading of the bill to amend the act incorporating the Mutual Life Association of Canada. Carried.

The House then went into committee, and reported the bill, which was then read a third time and passed.

The following questions were then asked :

WEST INDIES STEAMSHIP LINE.

Hon. Mr. GRAY—Whether it was the intention of the Government to include in the estimates for the ensuing year any provision for subsidizing a line of steamers to the British West Indies, as recommended by the Commission to the British and Foreign West Indies Association in the report to the Government in 1866.

Hon. Mr. LANGEVIN said that the Government appreciated the importance of subsidizing a line for this purpose. During the recess they purpose to take steps to ascertain whether the Government of the British and Spanish West Indies will be disposed to contribute to a line or lines of steamers between Canada and the West Indies, and if so the Government of Canada will ask Parliament to do its share in the matter. It was understood that Sir Hugh Allan had offered to put on two steamers a month at £1,000 a trip.

CANADIAN ARCHIVES.

Hon. Mr. BLANCHET—Whether any measures had been taken towards the construction of a Canadian Archives' office as recommended last session by the Joint Library Committee.

Hon. Mr. POPE answered that no steps had been taken, but a sum will be placed in the estimates for the purpose.

MISCELLANEOUS QUESTIONS.

Mr. RENAUD—Whether it was the intention of the Government to place in the supplementary estimates any appropriation for the construction of a break-water at the entrance of the harbour of Richibucto, in the county of Kent, N. B.

Hon. Mr. LANGEVIN replied in the affirmative.

Mr. GAUDET—Whether it was the intention of the Government to issue permits for the placing of booms to detain lumber upon the navigable rivers, on condition of the parties interested always providing easy passage for navigation.

Hon. Sir JOHN A. MACDONALD answered that the Government had no power to issue permits for this purpose.

NATURALIZED FOREIGNERS.

Mr. YOUNG moved an Address for any correspondence which may have taken

place between the Imperial and Canadian Governments, or between the latter and any corporation or private individuals, touching the recognition by Great Britain of German and other naturalized citizens, as British subjects, when in countries other than Her Majesty's possessions. He said that great hardships had been experienced by Germans on returning to their own country, and referred to the attention given by Great Britain to the subject, and the commissioners appointed there to examine into the matter of naturalization; and he thought some action should be taken so as to obtain between the Governments of Great Britain and Germany such a treaty as existed between Great Britain and the United States.

Hon. Sir JOHN A. MACDONALD said there was no recent correspondence on the subject, but, when in England, he and his colleagues had pressed very strongly the hardships suffered by foreigners settling in Canada and naturalized by Canadian, but not by British law. Canada, of course, as a British colony, could not pass a law which would have effect beyond her borders. What Canada wanted was that the Imperial Government should pass an Act, giving equal power to the Canadian Act with the Imperial Act. The Imperial Government had not yet acceded to the request, but the difficulty in their minds arose, not from any idea that Canada would make any improper use of such power, but from the multiplicity of British colonies and the fear that some of them might give the right of British subjects to semi-barbarous people. The matter, however, would continue to engage the attention of the Government, and if they did not succeed an address of the Parliament to the English Government as suggested might be advisable.

The motion was then withdrawn.

MOTIONS.

Mr. SCRIBER moved an address for the return of the names, tonnage and classification of all vessels navigating the inland waters of the Provinces of Ontario and Quebec in the year 1871, with the names of their respective owners.—Carried.

Mr. STIRTON moved an address for copies of the estimates of the work done on each section of the Intercolonial Railway submitted to the Commissioners by the Chief Engineer.—Carried.

Mr. MILLS moved an address for a copy of the laws of Manitoba enacted during the last session of the Local Legislature relating to the registration and qualifications of electors and the constitution of the Supreme Court.

Hon. Sir JOHN A. MACDONALD said

Mr. Young.

unless there was some special object in the motion, he thought it would be a very inconvenient precedent to have to send down statutes already in the library.

Mr. MILLS said the statutes were not in the library, and said it was very important that the House should know what laws had been passed in Manitoba.

Hon. Sir JOHN A. MACDONALD said the statutes should be brought if there were such.—Carried.

Mr. OLIVER moved an Address for copies of the tenders for the supply of coal oil for lighthouse purposes for the years 1870, 1871, and 1872, with the reports of the inspectors on the samples.—Carried.

Mr. McCALLUM moved an Address for the copies of all tenders received by the Department of Public Works for the excavation of earth and rock in deepening and improving Port Colborne harbour on Lake Erie last year. He understood that the Government advertised last year for tenders and let the work, but that the contractors had since given up blasting the rocks, saying it was so hard it could not be worked. The matter was so important that he thought the motion very necessary.

Hon. Mr. LANGEVIN said the work was not abandoned but only postponed.—Carried.

THE WELLAND CANAL.

Mr. McCALLUM moved for copies of all the reports made to the Department of Public Works by the engineer in charge of the surveys of the Welland canal in 1871, giving the quantity of earth and rock excavation required to be done to complete the canal for the Lake Erie level by the Port Colborne and Port Maitland routes, respectively. He said a survey was made last year on the Welland canal in order to obtain the best route for an inlet to Lake Erie. It was a very important question, inasmuch as it would improve the facilities of trade from the west, and would enable Canada to neutralize the advantage the Americans had in the coasting trade of the inland waters. The enlargement of the canals would bring a large portion of the trade of the West by the St. Lawrence, and would enable Canada to load cargoes at ports on Lakes Michigan, Erie and Superior, and unload them at the ports of Kingston, Montreal and Quebec. Still, though the matter was of such consequence, the Government would be cautious and get as much information as possible, so that no mistakes might be made, for great mistakes had been made formerly. At present vessels had to be lightened at Port Colborne before they could get into the canal. If the Port Colborne route were

decided or, there would be an immense amount of rock cutting and the water would have to be taken out before the work could be done, which Mr. Page stated would cost a very great amount. The work would have to be done in the winter, and when Port Colborne was reached there would be a harbour with a rock bottom and without shelter, whereas Port Maitland was the best harbor on Lake Erie and the works on that route could be done in the summer and could be finished in two years, at a cost of \$1,800,000. He insisted that before more money was thrown away, the Government should get full information on the subject. They were no nearer the object yet than they were years ago, and therefore, he desired that the House should have full information, so that the members could form their own views as to the men employed by the Government. They had been wedded to the Port Colborne route for years, and it was quite time they were divorced.

Hon. Mr. LANGEVIN suggested that the report of the Chief Engineer of the Board of Works should be included in the motion. He hoped that the hon. gentleman would not consider it a want of respect if he (Mr. Langevin) declined to enter into a discussion of the subject until all the reports and information had been laid before the House. He knew well the interest the hon. gentleman had always taken in the welfare of the region referred to in the motion for the enlargement of the Welland Canal. He knew also that the hon. gentleman had always been in favour of the feeder being made the main line of navigation through the canal. He (Mr. Langevin) was sorry to say that the Department of Public Works could not agree with the hon. gentleman in that view, and he was in hopes that when he saw the report and estimates that would be submitted to his hon. friend he would coincide with the Department in the opinion, that by far the shortest and most economical line was that recommended by the Chief Engineer of the Department.

Mr. STREET was very glad to find the Minister of Public Works so heartily acceding to the motion of his hon. friend from Monck. He was glad also that it had been suggested to add to the motion the name of the Chief Engineer. It was of the utmost importance that the House should have all the information the Government possessed with regard to this great work, together with all the reports and estimates that had been presented by the several engineers and officers of the department. It was just the information every member of the House required, because in con-

sidering the recommendations that might be made by the Government with regard to these large undertakings, hon. members must be guided in forming a judgment by scientific and impartial reports, and not by the statement of any person more particularly connected with the works. The House must deal with the matter upon some substantial authoritative report, and that could only be obtained from the engineer employed by the Government. He (Mr. Street) was glad the Government had had this matter under their serious consideration, and had taken into account the manner in which the work of enlargement should be carried on and the mode to be adopted for furnishing the money necessary for its completion. He accepted it as an earnest of the intention of the Government to proceed with the work, that they had given the reports their best attention instead of adding to the files of papers in the pigeon holes. He was glad that they had probably adopted a line for the canal which they would be prepared to recommend to the House, and thought that line was most likely to be that at present existing. Although in the work of enlarging the present canal there might be temporary difficulty in regard to the removal of the rock, that did not seem from the report of the chief engineer to be an insuperable obstacle; and he was glad to find that the Government, notwithstanding the difficulty, were prepared to enter heartily upon the prosecution of the work. (Hear, hear.)

Hon. Mr. MACKENZIE was glad to learn from the remarks of the hon. member for Welland that each member of the House would be able to follow his own judgment as to the line to be adopted in carrying out the new works to be proposed by the Government.

Mr. STREET said that, what he had said was, that every member would be able to see the reports upon the subject, and that upon them judgment would be founded.

Hon. Mr. MACKENZIE said the hon. member reminded him of the line "God bless the man who may have aught to give." He (Mr. Mackenzie) was glad to hear that every member would be at liberty to exercise his own judgment, and when other public works the Government intended to propose, came up for consideration it was gratifying to know that they would have the support of the hon. member for Welland to the principle of independent judgment. He (Mr. Mackenzie) would like to know when the reports called for in the motion would be brought down. The hon. member had expressed gratifica-

tion that this matter had engaged the serious and careful attention of the Government, but it was more important that the House should have the reports at an early day, so that members might give the subject consideration themselves before being called upon to vote away the public money. This was not to be treated as a mere local work; it was a matter that interested the whole country quite as much as the two hon. gentlemen opposite, who naturally took a special interest in it, and perhaps a more dispassionate judgment would be formed upon it by others than by them. In order to secure such a judgment, it was exceedingly important that the documents should be brought down at an early day.

Mr. STREET did not think either his hon. friend for Monck or himself had treated this matter as a local work, for they had always spoken of it as a great national undertaking. In that sense they still regarded it, and for that reason he was gratified that the House would have an early opportunity of seeing all the reports, so that every member would be able to exercise his judgment upon the recommendations the Government would bring down.

Mr. THOMPSON (Haldimand,) hoped with the hon. member for Welland that this work, which had been so long promised, would be effectually carried out, and that at an early day. The House had already heard of sums of money to be spent in the East, and hon. members from the West might well claim that some expenditure should take place as well upon this great national work. He trusted that the time for speaking had ceased, and the time for action had arrived; and what was now proposed was not simply for the purpose of creating an effect before the elections.

Mr. McCALLUM pointed out, in support of his argument, that the Port Maitland route should be adopted; that although that line was ten miles longer than by Port Colborne, it brought vessels twenty miles further up Lake Erie than the present line. He maintained that that was a great advantage, for while it would give shipping an excellent harbour at Port Maitland, it would avoid the risks incident to the dangerous navigation in the vicinity of Port Colborne.

Mr. MERRITT said he lived at the other end of the Welland Canal, and was not, of course, particularly interested in the matter. He could, therefore, speak dispassionately. It was well known that when the Canal was first projected, all the country was carefully surveyed, and Port

Colborne was selected as being, upon the whole, the best harbor upon the lake. It was as the hon. member for Monck had stated, ten miles less distant than Port Maitland. They all knew that ten miles of Canal were very different from ten miles of Lake navigation and it would be very objectionable to build a Canal of that length, to be used for all time to come if a shorter route was feasible. That he thought was a point for the engineers to decide, and when their reports were before the House, the question should be dealt with upon its merits. As for himself, he had no very strong opinions as between Port Colborne and Port Maitland; but when it was remembered that the Canal was for use for all time to come, the best route should be chosen by the Government.

Mr. WORKMAN said he knew very little of the merits of the two routes, but it was desirable, in the interests of commerce, that the work of enlargement should be proceeded with.

Mr. McCALLUM, in reference to what had fallen from the hon. member for Lincoln, denied that he (Mr. McCallum), was an interested party in the matter. The hon. gentleman was himself more interested, for it was his object to get a depth of fourteen or fifteen feet of water in Port Colborne harbour. The hon. gentleman was interested in the Welland Railway, and such a work would aid that Railway. It was the same motive that led the hon. gentleman to use his influence with the Minister of Justice in order to get the clauses inserted in the Treaty of Washington, respecting the carriage of goods from one American port to another, by Canadian vessels, provided the goods passed over a portion of Canadian territory on the way. It was to save the stockholders of the railway that the hon. gentleman had sought this provision. (Hear, hear.)

Mr. MACDOUGALL (South Renfrew) thought it would soon be advisable to negotiate another treaty of Washington, in order to secure the Imperial guarantee for money to build the Ottawa canal. (Hear, hear.) This was an important work, which should be taken into the consideration of the Government.

Mr. MERRITT denied the charge that he had consulted the interests of the Welland Railway before those of the Canal. In the communication he had with the First Minister when at Washington, he had called attention to the coasting trade of the United States as being of the very first importance to the marine interests of this country and to the desirability of Canadian vessels being permitted to engage in

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it. If that was not attainable, then he had asked the Minister to secure participation in the trade, on the condition that it should pass over Canadian territory on the way. The hon. member for Monck would see by the correspondence what he (Mr. Merritt) had done in the matter, and he was satisfied that the arrangement concluded at Washington was a great boon to the country. As for the Welland Railway, if it was able to compete with the canal now, it would certainly lose nothing if the latter work was made ten miles longer, as the hon. member proposed.

The motion was then carried.

THE TARIFF.

Mr. ROSS (Dundas) moved the House into Committee of the Whole to consider the following resolution:

1. That it is highly desirable that the several classes or branches of the industrial pursuits in this country should as far as possible be placed on an equality.

2. That the agricultural classes are not so placed whilst grain of all kinds remains in the free list.

3. That in order to remedy that inequality and to remove an injustice, the following articles imported into this country be made subject to a duty, viz., barley, oats and Indian corn per bushel — cents; coal per ton — cents.

He complained that the farming interest was denied the protection allowed to every other class, whereas they ought rather to receive particular attention and respect. His motion might be contrary to the policy of the Government, but knowing their high and noble motives, he was assured they would treat the matter with proper consideration. The hope of reciprocity with the United States, at least so far as grain was concerned, seemed to be very far in the distance. He believed that the Government made a great mistake last year in not standing firm on this subject, and he asked whether it was fair that Canadian grain had to pay a very high duty in going to the United States while American grain could at any time be thrown into Canada to any extent and without obstruction. Canadian farmers were most unfairly treated in comparison with others. Nothing would go further to reconcile the farmers to the Washington Treaty than giving them protection against American produce. Ontario could supply wheat to the Lower Provinces, and could in return get coal, and so all the Provinces would be benefitted, and by protecting home industry the country would prosper. He did not commit himself to any old theory; but he desired

that the matter should be dealt with in a truly Canadian spirit. Canada and the United States were very much alike in their products, and no country has prospered more than the United States; and Canada might well adopt the American system in this matter. He trusted that the Government would support his motion. [Cheers.]

The SPEAKER ruled the motion out of order on the ground that it did not rest with a private member to introduce any measure imposing taxation.

BRITISH COLUMBIA AND MANITOBA ELECTIONS.

Mr. BODWELL moved that the Clerk of the Crown in Chancery do prepare a return from the records of the elections to the present House of Commons in British Columbia and Manitoba shewing the aggregate numbers of votes polled in each electoral division in which there has been a contest, with the total number polled in each such division and the number of votes on the voters' list of the same respectively, and the population in each constituency, as shown by the last census.

Hon. Sir JOHN MACDONALD asked what was the object of the motion.

Mr. BODWELL thought the information desirable for the House and the country. Carried.

SEIZURE IN THE ST. CLAIR CANAL.

Mr. STEPHENSON moved an address for the correspondence respecting the seizure by the United States custom officials of the steam tug and barge, the property of Hiram Little, in the St. Clair Flats Canal. He referred to the circumstances of the seizure and the expenses incurred by Mr. Little, and thought the matter ought to be fully investigated.

Hon. Mr. MACKENZIE said that by the Treaty of Washington the place of seizure was admitted to be American territory. The recognition of this canal as an American work involved more questions than the mere right of navigation, for every ship that ventured into the channel and performed any act of lighterage would subject itself to the Customs' regulations of the United States; and it had previously been shown that those regulations were of a singularly aggressive character on the Lake. He mentioned an instance of a Canadian tug being seized because she picked up an American vessel on the American side of the boundary line of the Lake and towed her from a point in Lake St. Clair to a point in the River Detroit, and it required a great effort to obtain her release. He desired to know from the First Minis-

ter what was the position of the owner of the vessel in the present case, and whether he was absolutely without redress for the gross outrage on his property, or whether the recognition of the work as American involved the recognition of the seizure as legal. The point was a very serious one, and would effect Canada to a very great extent, and it showed to what exactions they would be subjected if the present system of American diplomacy were allowed to prevail. There was no question that the canal was built on Canadian territory, and though the First Minister, in his speech on the Treaty, stated that it was generally admitted to be on the American side, he could prove that one of the principal engineering officers of the United States reported that it was clearly in Canadian waters, and this was admitted by every one, whether scientific or mere navigators. A motion on such a serious matter should not pass without some explanation from the leader of the Government. It being six o'clock the house rose.

AFTER RECESS.

Hon. Sir JOHN MACDONALD said there was no objection to the motion. He would not enter into a discussion upon the question until the correspondence was brought down. With regard to the Little case, the United States Government at his request had given up the bonds, released the sureties, and abandoned all further proceedings in the matter. With regard to the question of the channel, it stood thus:—The Treaty of Washington did not in any way deal with the boundary. In '42 a treaty had been made by which all the channels between the islands in the River St. Clair were free to vessels of both nations. That treaty was still in operation, and those waters remained free no matter whether the channel was on the American side or the Canadian side. As regarded the canal, the United States Government had made it under the belief that they were making a canal in their own territory. He believed also from all he could learn, that if a map signed by Porter and Barclay was binding, the canal was within American territory. On reference to the papers that had been laid before the House, the hon. gentlemen opposite would perceive that the Crown law officers had given a formal decision that the evidence was conclusive of that fact.

Hon. Mr. MACKENZIE—Who has given that decision?

Hon. Sir JOHN MACDONALD—The law officers of the Crown in England. He had laid the papers on the table of the House, and the hon. gentleman would see the

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decision on referring to them. If that opinion were correct, although it would not injuriously affect Canadian interests, it would settle the question of the boundary, and if the plan were binding, the canal must be considered to be in American territory; and however unfortunate it might be we would have to be bound by it. It was not, however, a matter which would make a material difference, for, as he had said, by the Treaty of 1842 all the channels of the River were common to both nations, no matter where they were. This canal was one of those channels by which the Treaty was free to the use of both nations alike. If by the plan of Porter & Barclay, the canal or any portion of it was in Canada, it would be considered to be in Canada. The Treaty of Washington did not effect the question of the boundary line, nor did it profess to do so; but the United States had built the canal, had spent their money upon it, had contended that it was within their territory, and they had by the Treaty voluntarily and forever given the use of it to Canada on equal terms with their own people. That was the position in which the matter stood, but if it was of any importance, and if the plan showed that the canal was in Canadian territory, Canada could assert her rights for the Treaty did not in any way affect them or pretend to affect them. The United States did not desire that they should be affected by the Treaty, and we were as much welcome to use of the canal as themselves.

Hon. Mr. MACKENZIE said the hon. gentleman had carefully avoided making reference to the express words of the Treaty, which he must know were entirely opposed to the view he had taken.

Hon. Sir JOHN MACDONALD—Must know?

Hon. Mr. MACKENZIE—If the hon. gentleman did not know, he ought to know that the words of the Treaty were opposed to his words.

Hon. Sir JOHN MACDONALD thought he ought to know, at least as well as the hon. gentleman, what the words of the Treaty were. (Laughter.)

Hon. Mr. MACKENZIE said the hon. gentleman knew very well that his statement was not borne out by the words of the Treaty. This case was another instance of the sharp practice of the United States Government, and was all of a piece with the usual diplomacy of its officers. [Hear, hear.] The hon. gentleman had laid a good deal of stress upon the fact that the American Government had spent a good deal of money upon the canal. Well Canada had spent a good deal of money

upon the proper channel which was north of the canal, and he would like to know whether by spending money upon it the United States Government became owners of the territory, for that was what the hon. gentleman's statement amounted to.

Hon. Sir J. A. MACDONALD said he had stated nothing of the kind. He had not said that the spending of money on the canal had settled the boundary line.

Hon. Mr. MACKENZIE—Well if the hon. gentleman had not said that, he had stated that the spending of money would be an element in the consideration of the case.

Hon. Sir J. A. MACDONALD—No, not in the settlement of the boundary line.

Hon. Mr. MACKENZIE—For what purpose was it mentioned.

Hon. Sir J. A. MACDONALD said the case was simply this, that the United States Government claimed that the canal was in their territory, that they had spent money there, and that they declared whether it was on their side of the boundary or not, we were welcome to use it on the same terms as themselves.

Hon. Mr. MACKENZIE—Oh! I could say the same thing of the other channel.

Mr. STEPHENSON said it was necessary that the question should be settled whether the canal was in Canadian Territory or not. There was no doubt we had equal right according to the Treaty of Washington to navigate all the channels of the river, but the question was whether we had a right to carry on trade in all ports of the Canadian territory without let or hindrance from the Americans. (Hear, hear.) He thought it was a matter that ought to be definitely settled, whether when Canadians carried supplies to one port of the canal, as Mr. Little had done, they were entitled to do so as being within their own territory or not. American shipowners, surveyors and others in Detroit had stated it as their opinion that the canal was within Canadian territory, and this, he maintained, was unquestionably the case. The question then was whether Canadian vessels had a right to land goods upon the embarkment of the canal without interference by the American Custom-house officers. According to the claims of the United States Government, Canadians had no such right, the whole being within American jurisdiction. Even if the canal had been declared free to both countries alike, the United States authorities had put so many restrictions and vexatious regulations upon the traffic through it, that unless something was done to define the real boundary, we would be continually getting into trouble with them.

Under their system of rotation in office, new officials were appointed every few years, and there would be constant seizures of Canadian vessels in the expectation that a profit would be made out of them by a share in the seizures. The annoyance arising from this cause would never end until some definite understanding was arrived at as to the proper boundary line.

Mr. MILLS said there was a difference between the position of this question now and its position before the Treaty of Washington. That Treaty ceded to the people of Canada the right to navigate the canal as freely as the Americans. When the British Commissioners put their signatures to a Treaty in which this cession was made, it seemed to him that that act was an effectual stopper to any subsequent proceedings to question the American right of jurisdiction over the canal.

The motion was then carried.

ADDRESSES.

Mr. STEPHENSON moved an address for the correspondence respecting lot No. 15, part of the Indian reserve at Sarnia. Carried.

Mr. BOLTON moved an address for the correspondence relating to the shipping or desertion of seamen. Carried.

HALIFAX TERMINUS.

Mr. JONES (Halifax) moved an address for the correspondence respecting the proposed arrangement for obtaining a portion of Her Majesty's dockyard at Halifax as a terminus for the Intercolonial Railway.

Hon. Mr. LANGEVIN said that last year the intension was to extend the line into the city. A survey was made and it was found that the line in question was not advisable. New surveys were made, and the Government decided that the best line for all purposes was the extension from the railway station through the dockyard. Correspondence was going on with the Imperial Government to obtain the right of way through the dockyard, but no answer was yet received. The intention was to go on with the work as soon as possible, and if the right of way could not be obtained through the docks, the terminus would have to be made at the end of the dockyard.

Mr. JONES asked whether a survey had not been made for bringing in the line off from the dockyards.

Hon. Dr. TUPPER replied in the negative. He had visited Halifax, and found a strong impression that bringing in the line in the way contemplated would not

meet the views of the people or attain the object of the railway, and he therefore requested the Minister of Public Works to stay his hands and allow a new survey to be made. The present plan was such as would meet the public approval. He also mentioned that a large extension of wharf accommodation was contemplated, for which an appropriation was asked.

Mr. MACDONALD (Lunenburg) said he believed the decision of the Government met with the almost unanimous approval of the people. He asked whether the line of Water Street had been suggested to the Government in the event of a failure to obtain the right of way through the dockyard.

Hon. Mr. HOWE spoke, explaining the nature of the proposed line.

The motion was carried.

Mr. FOURNIER moved an address for the correspondence respecting the piers in the St. Lawrence below Quebec constructed by the means of loans derived from the Municipal Loan Fund.

Hon. Mr. LANGEVIN explained, and the motion was withdrawn.

Mr. SMITH (Westmoreland) moved an address for the correspondence between the Intercolonial Railway Commissioners and the Chief Engineer and others respecting the appointment or displacement of any engineer, officer or employee of the said railway. Carried.

Mr. FOURNIER moved an address for the correspondence respecting the electoral subdivisions to be made in pursuance of Act 34 Vic., chapter 20, in the Municipalities of the Province of Quebec. Carried.

METEOROLOGICAL REPORTS.

Mr. JONES (Halifax) moved an address for the correspondence on the subject of the meteorological observations and weather reports in England which were of the greatest possible advantage. The United States adopted a similar system. They had some 120 different ports from which reports were received every day. A system like this would be of incalculable advantage to a maritime country like Canada, and his object was that the Government should ask a vote so as to combine with the United States system to obtain these reports, giving the Canada reports. The American system was simple and inexpensive.

Hon. Dr. TUPPER was glad attention had been called to the matter. Last session the Government made a commencement by asking a small appropriation for

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obtaining the necessary meteorological information. He had already stated that it was the intention of the Government to extend this, with a view to make the system more perfect and carrying out the objects of the various Governments, and inform them of the condition of the weather in other sections of the continents, so as to give to the people of Canada the same advantage that had been realized by the system of storm signals in force in the United States. In that country a very great saving had been effected in a commercial point of view, in addition to the saving of life, and, in one instance, where information was given that a storm was impending, twenty captains met and decided to remain in port, while others, who disbelieved the information, went to sea, and every vessel that went to sea was lost.

Mr. WORKMAN said the matter was also of great importance to the farming and commercial interests of the country, and his constituency had asked him to urge it on the Government.

Mr. BOLTON was confident that no expenditure would be more gratifying than that spoken of.

Mr. ANGLIN said the people of St. John were most anxious that this matter should be carried out. The loss would bear no proportion to the advantage that would be derived.

Mr. MERRITT trusted that the Government would take the matter in hand and ask an appropriation for introducing a system of storm signals. He mentioned an instance in which great advantage had been derived from the hoisting of the storm signals at Buffalo.

Dr. SCHULTZ said that Canada should take up and follow out the system commenced by the United States, and he believed the Americans found great difficulty in making their calculations for want of information from Canada.

Mr. MILLS said that in a matter of this kind Canada must act with the United States. The object was a very important one and at a very small charge. He had conferred with men in the United States connected with the system of storm signals, and was told that they had great difficulty in following up their calculations by the want of observations in Canada, and they urged the establishment of posts in the different parts of Canada. These observations, to be of value, should be made at the same moment all over the continent.

The motion was carried.

MUD LAKE.

Mr. LAPUM moved an address for cor-

respondence respecting the dam across the outlet of Mud Lake. Carried.

SEWING MACHINES.

Mr. STIRTON moved an address for a return of the number of sewing machines entered at the various ports of entry of Canada from the 1st July to the 1st April, 1872.

Hon. Mr. MORRIS said the return would give much trouble, and asked the reason of its being wanted.

Mr. STIRTON said he believed the United States machines were sent in at much below the value, and it was advisable that the country should be informed on the matter. Carried.

QUEBEC POST OFFICE.

Mr. ROBTAILE moved an address for the tenders received for the heating apparatus in the Post Office, Quebec. Carried.

NEW BRUNSWICK SCHOOL LAW.

Mr. COSTIGAN moved an address on the subject of the New Brunswick school law, and praying that the same may be disallowed. He said that the Catholics of New Brunswick had asked for the same rights as the minority of Protestants enjoyed in Quebec, but they asked in vain. The school bill interfered with constitutional rights, and ought to have been disallowed. He maintained that whatever rights were enjoyed at Confederation ought to be maintained and respected, and that at that time the Catholics had separate schools.

Mr. BELLERÖSE, after claiming the indulgence of the House for speaking in English, a language with which he was but little conversant, urged that considering what had been done for Nova Scotia with one-twelfth of the population of the Dominion, with reference to the School Act of 1871, we had a case of the most serious character with New Brunswick, with one-third of the population, asking for redress—which redress, however that Province could not get. New Brunswick had, moreover, the admission of the Prime Minister and thirteen members of the Administration that the School Act of 1871 in New Brunswick might act disadvantageously to the Catholics. It was clearly the duty of the Government, after this admission, to use all constitutional means to remedy what had been done, and rectify this evil to New Brunswick, and it was not alone from the Catholics of that Province, but from over a million of Catholics of the country, that a voice was raised for the School Act of 1871 to be disallowed. It

was not a case between Catholics and Protestants, but a question of the public good. It was a question of justice and equity towards the minority. He pressed upon Catholic and Protestant members alike on both sides of the House that after having helped so far in rectifying the defects of this Act in Nova Scotia, justice at least should be done in this matter to New Brunswick.

Hon. Sir GEO. E. CARTIER said no doubt the mover was actuated by the best possible motives, but if all the wording of the address were correct, even the fate of the Catholic majority of Quebec would have to be decided by the Dominion Parliament. The clauses of the Act of Confederation had been drawn up after the most mature deliberation, and with every regard to the delicacy of the question. The address tended to place the rights of the Catholics of the Dominion in the hands of a Protestant majority. Was that right? Was that wise? The Protestants of Lower Canada had no cause of complaint, and never would have so long as the Catholic majority were actuated by the present liberal sentiments; but if the motion was right with regard to the Catholic majority of New Brunswick, the Protestant minority of Lower Canada might come and say "Repeal the last education law passed in Quebec." The question of education rested entirely with the Local Government and yet the hon. member would imply that the Dominion Government had power to deal with the matter, and the member for Laval should reflect before assenting to such a proposition, for if it were accepted all the dangers would arise that were sought to be avoided at Confederation. In Upper Canada there was secular education, but there was a secular school system where Catholics could be as they liked. The proposition went on to say that the Roman Catholics could not conscientiously pay towards the support of the present school. No doubt there was a hardship, but if the law was unjust it would not last long. In Upper Canada the common school was governed by the majority, but when the majority raised a certain number they had a right to a separate school. In Lower Canada both parties paid taxation to a common school. The proposition, therefore, was not correct. It went on to say that the law was unjust and caused great uneasiness among the Catholics of Canada, and might produce great mischief, and therefore prayed for the disallowance of the bill. If this was affirmed the principle must be extended to other Provinces, and as a Catholic of Lower Canada

he could not assent to it. As to the disallowance, the member for Laval admitted that no fault could be found with the decision of the Minister of Justice. The Government had advised the Governor-General that the Act could not be disallowed. He now decided to refer to the clauses of the Confederation Act on the subject. He quoted the clause giving the jurisdiction on matters of education to the Local Governments. He had pressed this at the time of Confederation because he wanted the power to be enjoyed by Quebec. There were conditions that no right enjoyed at Confederation should be interfered with, and that the privileges enjoyed by the Catholics in Ontario should be extended to the Protestants of Quebec, and that any system of separate schools should be maintained. In case of infraction of the latter condition, there was an appeal to the Governor in Council, and this was because it would not have been right to submit the Catholic majority of Quebec to the Protestant majority of the Dominion Parliament, whereas an appeal to the Governor in Council must be settled in a spirit of justice with regard to the interests of both bodies. He trusted the mover would see the false position in which he had placed the matter. It could not be maintained that the repealed law provided separate schools, and therefore there was no room for the disallowance of the repealing law. The power of disallowance lasted for one year. That power had not been exercised and could not now be revived. The motion was an attack on the Government, for they had either advised rightly or wrongly, and the House could decide which. It was upsetting the basis of responsible Government to ask the House to advise the Governor. He deemed the motion imprudent and fallacious, but he did not blame the mover, for every such discussion brought into light the Act of Confederation, and he would ask that the hon. member would pause before pressing the matter and no doubt the discussions in that House would have an effect on the New Brunswick Government.

Mr. MASSON (Terrebonne) could understand the hesitation of the Government in interfering with the action of a Local Government, but there was the relation of the religious rights of the people. The Government stated that they were to decide the constitutionality of the acts of the Local Governments. Such was not the case in the United States or in England, and it was unfair that one Legislature should be able to declare unconstitutional the act of another. As to the question of the act affecting the interest of the Domi-

nion, if there was such a question, it must surely be Education. Education and religion were banded together, for religion without education was mere bigotry, and an attack upon the one was an attack on the other. He maintained that an attack on the rights of any portion of the people was a public evil to the country at large, and appealed to the Protestants that if the same thing had been done to the Protestants in Quebec would they not have done their utmost to remedy the injustice, and he was sure the House in a spirit of fairness would support the disallowance of the Bill. The Government would not refuse to obey the expressed opinion of the House, and he asked that the Government would allow a free expression on the subject. The Provinces held the same position to the Dominion as the latter to the Empire. He could not see that the principle of the motion in any way compromised the rights of the Catholics of Quebec, but supposing Quebec forgot the rights of the Protestant minority and passed a law similar to that of New Brunswick, it ought to be disallowed. He appealed to the Protestants of Lower Canada and to all Protestants to do to the Catholics what they would desire the Catholics to do to them. He spoke and felt warmly on this subject, and the Protestants would be ungrateful if they did not assist in having the law disallowed.

Hon. Mr. LANGEVIN spoke at length in French, maintaining that the Act being in the jurisdiction of the Local Government, it would be unwise to disallow it.

Hon. Mr. DORION said the whole argument of the Minister of Militia was that the principle of the motion would tend to bring the interest of the Catholic majority into the hands of a Protestant Parliament. He would appeal to the sense of justice of the members of the House, and unless he could show that the Catholics of New Brunswick had been treated unjustly, he would not ask any one to vote for the motion. He referred to the state of things in New Brunswick before Confederation, and maintained that separate schools were not mentioned in any law. New Brunswick had such schools in point of view. This law now complained of destroyed these schools, and had been passed for that special purpose, whereas the spirit of the Act of Confederation was to maintain all the rights enjoyed at the time of the Union. They were told that the Government were to decide as to the point of constitution. There were other ways of deciding this, and he maintained that the Government ought to interfere, for a third of the people of New Brunswick had been treated un-

Hon. Sir G. E. Cartier.

fairly, and if a religious contention was roused, the consequence might be serious. If the Government had disallowed the Act, the New Brunswick Legislature would have reconsidered the matter, and might have allowed their Act. He maintained that under the provisions of the Constitution which had been framed by the hon. gentleman opposite, the subject could be properly brought before the House. What was good for the Protestant minority in the Province of Quebec could not be bad for the Catholic minority in New Brunswick. What was wanted in this Dominion was that there should be a feeling of perfect equality before the law, and that no class of the population should remain under the belief that its rights were trampled upon. If the law of New Brunswick was allowed to remain it would create excitement among the Catholics of that Province as well as the Provinces of Quebec and Ontario, which might have deplorable results. It might lead to such union among Catholics, such hostility of class against class, as would stop the action of the Dominion Government. This was to be avoided by all means, and he appealed to the House to do its part to avoid such undesirable results. The Minister of Militia had said let the matter rest and not to appeal to a Protestant majority, but he would confidently appeal to this House, trusting to its good sense and justice to interfere, as he considered it had a right to interfere, for the protection of a minority in New Brunswick whose rights have been set aside and violated.

Mr. ALONZO WRIGHT said as a Protestant representative of a Catholic county in Lower Canada, he felt bound to express his opinion upon this subject. He had been elected by his constituents because they believed in his sense of justice, and he felt bound, therefore, to raise his voice in favour of the motion before the House, which, if he understood it rightly, was simply to secure for the minority in New Brunswick the same rights and privileges which were accorded to the minority in the Province of Quebec. He adverted strongly to the manner in which Protestant rights had been acknowledged and guarded in the county he represented. He did not understand fully the constitutional point involved in this question, but he would be false to his duty as the representative of a tolerant constituency, false to the primary instincts of his nature as a liberal Protestant, if he failed to give his support to a motion the object of which was only to confer upon the Catholics of New Brunswick what the Catholics of Quebec had cheerfully conceded

to the Protestant minority in that Province.

Hon. Mr. ANGLIN was sorry that there was necessity for such discussion and that a question of this kind had come before the House. It was not a correct view that the House was called upon to over-ride the legislative Acts of New Brunswick. All that was desired was that the Government should interfere to prevent an act of injustice being done by the simple exercise of the veto power. The Catholic minority in New Brunswick did not ask as much as the hon. gentleman who had last spoken would concede them. All they wanted was to be restored to the position they occupied on the 1st January last. The law as it now stood in New Brunswick was based upon the principle that the child belonged not to the parent or the church, but to the State; but such a principle should not be recognized by any Christian Legislature. He thought that the Dominion were as much responsible as any Provincial majority for the condition in which the Catholics of New Brunswick were placed, for they could have prevented wrong being done if they had so chosen. If all the ministers had been bitter fanatics, they could hardly have acted differently from the manner in which they have acted, and although there were three Catholics among them, he would rather have trusted to a committee composed wholly of Protestant gentlemen for justice and fair play to the Catholics of New Brunswick.

Hon. Col. GRAY moved the adjournment of the debate.

Hon. Mr. DORION urged if the adjournment was to be carried, the debate should be resumed to-morrow, instead of going under the rules for an indefinite period when the time might expire within which it would be competent for the Government to disallow the law.

Hon. Sir J. A. MACDONALD said there was plenty of time, for the law had a month to run yet within which it might be disallowed. There was no danger of the debate going over to that time. He could not consent to resuming the debate to-morrow, because opportunity ought to be given to members to make themselves acquainted with what the law really was. He himself could not find a copy of it in the library; and it was the more important that the House should have the statute before them when the hon. member for Gloucester had misstated its character in at least one important particular.

Hon. Mr. ANGLIN denied that he had made any misstatement. He trusted that

the debate would be made the first order for Wednesday.

Hon. Sir JOHN A. MACDONALD said he had no objection to that.

The motion was then carried, and the House adjourned at half-past twelve.

SENATE.

TUESDAY, May 21.

The SPEAKER took the Chair at three o'clock.

After presentation of petitions

DIVORCE.

Hon. Mr. CAMPBELL, from the Select Committee, reported that one of the witnesses called to give evidence respecting the divorce case, refused to be sworn. He then moved that Mr. Lount be guilty of a breach of the privileges of the House, and that he be taken into custody by the Gentleman Usher under warrant of the Speaker.

Hon. Mr. LETELLIER DE ST. JUST objected to the manner in which the case had been presented to the House, inasmuch as the petition and bill had been introduced by a member of the Government, who was also chairman of the Committee, which was acting as a judicial tribunal. He also objected to having the case again brought up after it had been more than once dealt with by the Senate.

Hon. Mr. CHRISTIE took similar ground, referring to Todd's Parliamentary Practice, Vol. 2.

Hon. Mr. ODELL took a different view, and urged that such an objection ought to have been made previously, but in any case that was not the proper stage at which to bring up such a point.

Hon. Mr. WILMOT exonerated the chairman from having in any way whatever attempted to influence the Committee.

Hon. Mr. MACPHERSON said the House was entirely deviating from the actual question under consideration—the assertion of the privileges of the Senate.

Hon. M. LETELLIER DE ST. JUST did not intend to say that the least undue influence was used by the Chairman.

Hon. Mr. CAMPBELL perfectly understood that.

Hon. Mr. LETELLIER DE ST. JUST acknowledged the ability of the Postmaster General to act as chairman, but he wished to establish a principle in accordance with the usages of the House of

Hon. Mr. Campbell.

Lords. He hoped the hon. gentleman would withdraw from the Committee.

Hon. Messrs. WARK and BOTSFORD said it would now be very inconvenient to alter personnel of Committee, though it might be well to establish a principle for future guidance as soon as a similar case arose hereafter.

Question was postponed in order to allow the minutes to be laid before the House, giving reason why witness refused to be sworn.

Hon. Mr. CAMPBELL said that he had been guided solely by the desire to assist in establishing precedents for the future in connection with a matter new to the House. He only assumed such a position temporarily until the House came to a decision as to the proper course to be pursued in relation to such questions hereafter. It was, however, purely chimerical to argue that he could exercise any undue influence on the Committee. He had simply charged himself with it as a matter of duty and in the interests of the House for the reasons given.

INTERCOLONIAL RAILWAY.

Hon. Mr. BOTSFORD asked why the Intercolonial Railway, between Amherst and Truro, was not opened for traffic at the time stated by the Government it would be, and when it is probable such portion of the Railway will be opened?

Hon. Mr. CAMPBELL replied that he was informed that the road will be probably opened early in July or August.

Hon. Mr. DICKEY said that the Postmaster General was a month earlier than the Commissioners, who said September.

Hon. Mr. CAMPBELL—Then we had better say September. (Laughter.)

Hon. Mr. McLELLAN alluded to the heavy bridging, tunnelling, and grading on the line, and explained that the road was rapidly drawing to completion, as it was nearly ready for the track.

Hon. Mr. MACFARLANE was glad to hear hopes held out that the line would be soon opened.

Hon. Mr. DICKEY said the general expectation of the public had not been satisfied but the difficulty arose from the location of the route with which the Commissioners had nothing to do. He found by the report of the Commissioners that all the money had been paid to contractors six weeks before for work which was not nearly completed.

INDEMNITY, &c.

Hon. Mr. CAMPBELL moved the following resolution:

That the Clerk be instructed to lay before the

Senate, at the commencement of every session, a statement of the indemnity and mileage paid to Senators for the last session; and until further orders, to deliver to the Chairman of the Committee of the House of Commons charged with the audit of the Treasury accounts a copy of any such statement, whenever he may deem it necessary to apply for the same.—Carried.

QUARANTINE.

On motion of Hon. Mr. CAMPBELL the Quarantine Bill was read a third time, an amendment having been made by the Government with the view of preventing the introduction of disease by peltries, furs, &c., as suggested by one of the members from Manitoba on a previous occasion.

RAILWAY BILL.

On motion of Hon. Mr. FERRIER, the Grand Trunk Railway and International Bridge Agreement Bill was read a third time.

DOMINION NOTES.

The House then went into Committee on the Dominion Notes Bill.—Hon. Mr. SHAW in the Chair.

Hon. Mr. CAMPBELL said that he had expressed his opinion on the previous day when some hon. gentlemen had argued in favor of a 40 per cent. reserve, that the Finance Minister was not wedded particularly to the 20 per cent. He had said so because he had believed from the Finance Minister's remarks elsewhere that he did not intend to keep only 20 per cent. but that on the contrary he would always keep a larger sum. On consultation with the Finance Minister, he had come to the conclusion that 35 per cent. would be a fair sum to have, and accordingly he would move to alter the bill to that effect. Of course, the sum in reserve would always, for the reasons he had given on a previous day, amount to very little below fifty per cent. It should be remembered that the larger notes issued by the Banks were never issued except for gold, and the House was only called upon to legislate with reference to the small notes; and as respects the limitation of the issue, he did not think it necessary, for the Government would only issue the notes through the banks and could not go beyond the requirements of the country.

Hon. Mr. MACPHERSON expressed the gratification he felt at the announcement of the Postmaster-General.

Hon. Mr. SANBORN said that it had been quite manifest to those engaged in business throughout the country that there had been a great scarcity of notes of a small denomination. The amendment, however, now proposed, seemed to him to be rather in the interest of the banks than

in that of the public; for he did not see that there was to be any security that the smaller notes would be put into circulation.

Hon. Mr. TESSIER did not consider that the amendment was an improvement, so far as the original intention of the Bill was concerned. The \$9,000,000 provided for originally would have been quite sufficient for general business if the notes had been circulated, but the banks had kept them locked up because they wished to give circulation to their own notes of four dollars and upwards. The object of the present Bill was to remedy this state of things, but he did not believe it would be accomplished to the extent anticipated. If the Finance Minister had been allowed to deposit a certain amount of these notes with the different banks, for which he was to receive no interest, then the banks would find it to their profit to circulate them. On the other hand, if Government took away from the banks the interest they had in circulating those notes you defeated the object of the Bill. The double liability of the bank, was a better security than the additional 15 per cent. imposed by the amendment.

Hon. Mr. WARK made some remarks but he was only imperfectly heard.

Hon. Mr. BENSON said that he had always been opposed to the principle of the Bill—the issue of Dominion notes. He had every confidence in the present Finance Minister, but we should guard against the future in legislating for the monetary concerns of the country. He did not think the bill was much improved, and regretted the issue of notes was not limited.

Hon. Mr. NORTHUP reiterated the opinion that the measure would be beneficial to public of Nova Scotia, inasmuch as a large amount of notes would certainly go into circulation.

Hon. Mr. CAMPBELL said that certainly no one could accuse the present Finance Minister of a desire of favoring Banking institutions. He was sure that smaller notes would get into circulation, and if any difficulty should arise on account of the Banks not lending their assistance—he did not apprehend that—then the Government would take steps to remedy it.

Hon. Mr. SIMPSON believed that the Government had acted prudently in meeting the views of hon. gentlemen and would be glad were they also to limit the issue of the notes.

After a few remarks from Hon. Mr. WILMOT,

The Bill was passed in Committee.

INSOLVENCY LAWS.

The next order of the day, the Bill to repeal the Insolvency Laws (from the House of Commons) was then taken up.

Hon. Mr. SANBORN said that he deemed it advisable to make a few observations in moving the second reading of a Bill which had created a good deal of discussion throughout the country. The Insolvency laws, as they existed in the Dominion of Canada, had been in force for three years; and substantially they were in operation since 1864 in the United Province of Canada. It was urged that a law regulating the affairs between debtor and creditor was necessary for the interests of trade and commerce, and that it should be of a permanent character. That was, however, a subject of debate; no laws in England or the United States relative to bankruptcy had been of a permanent character, but liable to change. At present the Insolvency laws of England, of the United States, and of France, were all widely different from one another; they were based upon different principles and started from a different stand point. The proposition was laid down in England that the object of a bankrupt law is this, that you should as cheaply and as fairly as practicable divide the property of the Insolvent among his creditors; but there was no recognition whatever of any rights on the part of the debtor. In former days we had imprisonment for debt in Canada; it also existed in England and the United States; but it had long since been repealed and was now regarded as a relic of barbarism. Since the removal of that law from the Statute Book, a very different view has been taken with regard to the treatment which should be meted out to those who are unfortunate in business. In the United States they laid down these principles—that the intent of a Bankruptcy law is to divide as fairly and as speedily as possible the property of an Insolvent among his creditors, and provide at the same time for the relief of the Insolvent. Our law went further than either in England or the United States, its object, above all others, seemed to be to protect the Insolvent. The causes that led to its adoption was the state of the country at the time, on account of a panic which had left many persons embarrassed; and it became necessary to enact a law to afford relief to such individuals, and enable them to start anew. The law was really intended to deal with a temporary state of things; it relieved the parties in question, and he was not prepared to say that it was not advisable to legislate for them; but it

should be remembered that the law was intended for an exceptional order of circumstances and ought not to bear general application, when those circumstances no longer existed. It had been urged in the press and elsewhere that the hostility to the law emanated chiefly from that much abused class—the legal profession; but so far as it was concerned, it was really divided on the question. In need not be urged that any measure which led to complications and disputes, was really an advantage to the profession. Now the Insolvency law was really of a hybrid character—not calculated to be permanent nor to be incorporated into our jurisprudence. It has been fraught with results to the whole country injurious in the extreme. He denied that the principal opposition came from the rural districts; for he found that the gentlemen who came from the cities were as much divided in opinion as members of the legal profession. He found that the mercantile community in the cities was divided; for instance, he had before him a petition from the largest city of the Dominion, containing seventy names of wholesale dealers in favour of the repeal of the law. He knew from personal intercourse with Montreal merchants that many of them are decidedly opposed to the statute—that they have as hearty an aversion to it as any class of persons in the country. He was aware that some Boards of Trade had given an opinion in favor of the continuance of the law, subject to amendment, but on looking into the matter he saw that the Dominion Board of Trade were actually divided on the question. The majority favored the law when amended, while a minority of 13 voted for its repeal. He maintained that the rural districts had a right to speak on a question of this kind, for they were the feeders of our commerce. The retail business stimulated our trade, and acted a very important part in working out the prosperity of the country. The retailers were the small rills running in the rivers, which flow steadily onward and make up the great ocean of commerce. He referred to the evils arising from certain unscrupulous traders who manage somehow to get goods on credit, and come into the rural districts to compete with legitimate trade. They would sell their goods at a price no honest trader could put theirs at; and after a few years, when the wholesale dealer was becoming impatient for payment, they would say:—"If you do not press me, I will pay you, but otherwise I must go into bankruptcy." The merchant at last would be compelled to force pay-

Hon. Mr. Sanborn.

ment, would enter judgment, and the whole matter would get into the hands of the official assignees, and no end of expense would follow, while the goods would be sold at auction, again to the injury of legitimate traders. The wholesale merchant certainly gained no benefit from such a state of things; on the contrary, he would get perhaps 10s. to the pound, or 5s, but more generally nothing. The first object of legislation should be to promote the legitimate trade of the country, and in that way advance the welfare of society at large.

The hon. gentleman here went on to refer to the experience of England with respect to Bankrupt Laws, and the frauds that arose under the old system. The present law, he said, was enacted in 1869, and did not recognize the principle of official assignment; but the creditor could put the insolvent into bankruptcy under certain circumstances. The bankrupt could not get his discharge unless he paid 10s. to the pound, and that discharge need not necessarily be final; and in this connection he cited a number of facts to illustrate the working of the present law in England. Now, he continued, it was urged that if we swept away the regulations now in force in this country we would throw open the door to fraud, and disorganize trade, and that it was more expedient to amend the law; but to that argument he must reply at once that the law was not susceptible to amendment. The experience of the past, here and in England, went to show that it is an exceedingly difficult thing to deal with the question, and that it is dubious whether a permanent bankruptcy law is desirable. So far as the present Act was concerned, it was justly complained that it was not under proper *surveillance*, that it did not come within the jurisdiction of the courts in such a way as to be carried out satisfactorily. The fact was, as he stated previously, that it was a hybrid system; a large portion of the law was accomplished outside of the courts, in a very unsatisfactory way. One of the most prominent Assignees of the city of Montreal, was now bound over to answer to a charge of forgery; his apology is that he has not done anything more than the other assignees have been accustomed to do, and that he has been acting in the interests of the public. Under such circumstances it was easily seen that there was no security for the public in the system, inasmuch as it was not under the supervision of a properly qualified tribunal, but was carried out by persons of no responsibility. The law was

not adapted to the circumstances of Quebec any more than it appeared to be suited to the whole Dominion. Inasmuch as it could not be made to work satisfactorily as a uniform law, it was best to sweep it off the statute book altogether. Then, if there seemed to be a necessity for it, we could endeavour to mature a more satisfactory system for the arrangement of matters between debtor and creditor, so that justice should be done to all parties—a system which would be in harmony with the general jurisprudence of the provinces, and in accordance with the commercial interests of the whole Dominion.

On motion of Hon. Mr. SANBORN, seconded by Hon. Mr. LÉVELLIER DE ST. JUST, it was

Ordered,—That further debate on the said motion be postponed until to-morrow.

A message was brought from the House of Commons with the following Bills:

An Act to amend the Act respecting the Statutes of Canada.

An Act to incorporate the Canadian Railway Equipment Company.

An Act to amend the Act respecting the Civil Service of Canada.

An Act respecting the Public Debt, and the raising of Loans authorised by Parliament.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, Tuesday, May 21, 1872.

The SPEAKER took the chair at 3:20 p.m.

After routine business.

SUPERIOR BANK.

Mr. KIRKPATRICK introduced a bill to incorporate the Superior Bank of Canada. Read a first time.

THIRD READINGS.

The following Government bills were read a third time and passed:

Bill to amend the Government Savings Bank Act, cap. 6, of Statutes of 1871.

Bill entitled an Act respecting the public debt, and the raising of loans authorized by Parliament.

THE TREATY BILL.

Hon. Sir JOHN MACDONALD moved the House into Committee on the bill to give effect to the Treaty of Washington. The motion was carried, and the House went into Committee, Mr. Street in the chair.

The bill was adopted without discussion, and the Committee rose and reported.

The bill was then read a third time and passed.

BANKS AND BANKING.

Hon. Sir FRANCIS HINCKS moved the House into Committee on the Bill to correct a clerical error in the Act relating to Banks and Banking, and to amend the said Act. The motion was carried, and the House went into Committee, Mr. Gibbs in the chair.

The bill was adopted without amendment, and the committee reported, whereupon the bill was read a third time and passed, under the title of "An Act to amend the Act relating to Banks and Banking."

TEA AND COFFEE DUTIES.

Hon. Sir FRANCIS HINCKS moved the House into Committee of the Whole to consider the following resolution:—

"That it is expedient that all the duties of customs, whether specific or *ad valorem*, now payable on tea and coffee, should be repealed upon, from and after the first day of July next, provided that tea or coffee in the original packages in which it was imported may be re-bonded and warehoused at any time before the twentieth day of June next, and that when so bonded and warehoused the amount of the specific duty paid on such tea or coffee shall be repaid to the owner as a drawback."

The motion was carried, and the House went into committee, Mr. Cartwright in the chair.

Hon. Sir FRANCIS HINCKS said that on a former occasion he had stated the reasons which had induced the Government to propose the repeal of these duties. It would be almost impossible with our extended frontier to collect duties upon tea and coffee in the face of the fact that the United States were admitting those articles free. It was proposed to bring the law repealing the duties into operation upon the same day that the repeal took effect in the United States, and notice had accordingly been given by the Government in order that the trade might be prepared for the change. Very strong remonstrances had, however, been addressed to different members of the Government from Montreal, Toronto, and other places, in regard to the hardship that would probably be experienced by dealers in tea and coffee who had stocks and their duty paid, and suggestions had been made as to modes which would afford relief to those parties. The Gov-

ernment felt that it would be quite impossible to undertake to refund all the duties that had been paid in every case, but, after fully considering the matter, they had decided to allow parties to re-bond their tea and coffee, and recover the specified duties they had paid, but not the *ad valorem* duties. (Hear, hear.) He had reason to believe that this would afford a very great measure of relief to the trade. The Government allowed parties engaged in it to re-bond their goods at any time up to within ten days of the period when the law would come into force, and upon placing the goods in bond they would receive the specific duties they had already paid. He thought this a reasonable concession to make to the holders of tea and coffee, and one which should commend itself to the favourable consideration of the House. (Hear, hear.) With this explanation he trusted the resolution would be carried.

Hon. Mr. MACKENZIE asked the hon. gentleman if he could state the approximate quantity of tea and coffee at present in the country.

Hon. Sir FRANCIS HINCKS said it would be quite impossible to make a trustworthy estimate.

Mr. WORKMAN was very glad to hear the announcement that had been made by the Finance Minister. He had had interviews with the hon. gentleman upon this question, many of his constituents in Montreal having urged upon him the necessity of devising some means for the relief of parties holding large stocks of tea, and he was happy to say that the hon. gentleman, as well as the Minister of Customs, had met him with great courtesy and an anxiety to do all in their power to settle such a difficult question. The plan that had been adopted would, he (Mr. Workman) thought, meet the wishes of these parties to a considerable extent. It was not all that some of them wished; but, under the circumstances, it was quite as much as could reasonably have been expected. (Hear, hear.) There was one point in regard to which he would like to be informed; whether parties who had purchased tea in bond in Montreal and paid duties elsewhere would have to go to Montreal to be refunded. The case of his hon. friend from Prince Edward was one in point. He had purchased in Montreal, and the question was whether he would be allowed to re-bond in Picton and receive the duty there.

Hon. Sir FRANCIS HINCKS—Yes; wherever there is a custom House the parties will be allowed to re-bond there.

Mr. WORKMAN thought that conces-

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sion would meet the wants of the trade and cause general satisfaction.

Mr. MACDOUGALL (South Renfrew) asked whether the Finance Minister would propose any means to increase the revenue in order to make up the loss sustained by the repeal of these duties, either by increasing existing duties or imposing new ones.

Hon. Sir FRANCIS HINCKS replied—Most certainly not this session. If he had had any such intention he would have considered himself bound to declare it at the time when he had given notice of these resolutions. He would then have stated that it was the intention to make changes in the tariff, so that there would have been no room for misunderstanding on the subject. It had, however, been impossible for the Government entirely to prevent misunderstanding in regard to it, for he had reason to believe that in Toronto and other places, about the time he had brought down his resolution, persons had hastened to pay duties on articles in bond, such as tobacco, in the expectation that the Government would place additional duties upon them this session. Indeed there had even been rumours which might be traced to hostile sources, that the Government had advised or influenced their friends to withdraw these goods from bond in advance; but he need hardly say there had been no foundation for such stories whatever. Those persons had acted entirely upon the imaginations of their own heads, in the belief that something would be done by the Government, which the Government had no intention of doing. [Hear, hear.]

Hon. Mr. MACKENZIE—That is the effect of having an evil reputation. [Laughter.]

Mr. T. R. FERGUSON said he might be wrong, but he had understood that it was the intention of the Finance Minister to readjust the tariff.

Hon. E. B. WOOD—Quite the contrary. He understood from the telegraphic reports of what the hon. gentleman had said that there was to be no readjustment.

Hon. Sir FRANCIS HINCKS said he had announced positively and distinctly that it was not his intention.

Mr. FERGUSON had understood that when the Government proposed in the first place to take off these duties, they would propose others to make up for the loss of revenue. (Cries of "No, no.")

Mr. WORKMAN said there was another point in regard to which it was desirable to have an explanation. It was whether the ten per cent. extra duty which the United States imposed upon tea imported

from places west of the Cape of Good Hope would be retained? It might be proper for the Finance Minister to state officially whether he had made enquiries upon that point at Washington, and if so, the result of them.

Hon. Sir FRANCIS HINCKS said he had taken pains to ascertain from the best sources at Washington what the effect of the law would be with regard to that charge of ten per cent., and he had found that after the first of July, there would be no duty whatever imposed upon tea and coffee.

Mr. BODWELL said he had an amendment to move of which he had given notice. It appears that the hon. gentleman had a large surplus this year, amounting to more than three millions. The reduction of taxation proposed by the resolution amounted to \$1,209,166. The amount of duty collected on tea last year was \$1,175,315, and on coffee \$51,851, making together the sum he had stated. The remission of these duties, provided the revenue would continue the same as last year, would still leave a surplus of more than a million and a half of dollars. While he was gratified that the Finance Minister had been able to make a reduction in the taxation of the country, he thought the state of the finances would admit of a still greater reduction. He proposed, therefore, to amend the resolution by inserting the word "rice" after "tea and coffee." The article of rice produced a revenue last year of \$54,000. That was quite a large item, but if the duty were repealed it would not seriously affect the surplus upon which the hon. gentleman calculated. The duty afforded no protection incidental or otherwise to manufactures in this country, while in addition to that consideration it was an impost upon a prime article of food consumed by the people. Rice was an article of luxury for the poor man; it entered largely into the consumption of the country, and he could see no reason for taxing it, when it could not be made to appear that the revenue derived from it was necessary, and that the wants of the Government required that taxation should be imposed upon articles of utility in common use. It was certainly not a protective duty and could not be required in that sense.

Hon. Sir FRANCIS HINCKS said the hon. gentleman was mistaken in supposing that there would still be a large surplus after the tea and coffee duties were repealed. It was not to be expected that the enormous increase of revenue this year would be continued. He (Sir Francis)

had calculated that, after taking off these duties, there would be a deficiency, though not a large one, next year, and considering that Parliament would meet again in eight or nine months—some months before the close of the fiscal year—there would be time for the Government to reconsider the whole question of the tariff. He did not think, when they bore in mind the vast engagements which the country had undertaken, that it would be possible with safety to resist any further duties than he had proposed. It was quite impossible, at this late period of the session, to take into consideration the question of revising the tariff, and he thought this was a sufficient reason for not pressing any general reduction of taxation, especially when the Government was prepared to take so much off. He confessed that he was astonished at the proposition to repeal the duty on rice, coming from so advanced a free trader as the hon. member for South Oxford. According to the school of economists with which that hon. member was in sympathy, rice, being an article which was not produced in the country was one from which it was proper that a revenue should be raised. He [Sir Francis] was aware that the protectionists' theory was that it was articles of this description that should be admitted free, while taxes should be imposed upon those which entered into competition with our own productions. The hon. gentleman, however, who professed to hold free trade doctrines, was now found to be going entirely beyond the Government, and he (Sir Francis) thought he had reason to be astonished, remembering the character of the hon. gentleman, that he should have come forward with this proposition. The amount of duty derived from rice was \$54,000, and he (Sir Francis) did not think the Government was in a position to dispense with that sum. It was doing uncommonly well in taking duties off tea and coffee, and he thought that the reduction of duties on rice and other articles might well wait the re-adjustment of the tariff which would be necessary next session.

Hon. Mr. MACKENZIE pointed out that it was one of the arguments of free traders in England that all duties upon breadstuffs, which constituted such a large part of the food of the people, should all be removed. The article of rice was in the nature of breadstuff. It entered largely into the consumption of the country and was essentially an article of food. Free traders had always been in favour of cheap food, and the hon. member for South Oxford was not, therefore, opposing a free

trade doctrine, when he proposed to take this duty off.

Mr. WORKMAN thought the Government had already made as large reductions as the revenue could well afford. He confessed he would rather that rice had not been taxed at all; but considered that, as a million and a quarter had already been struck off, the House ought to be satisfied. He hoped the hon. member would withdraw his amendment.

Hon. Sir FRANCIS HINCKS presumed the hon. gentleman had accomplished his object in bringing his motion before the House and Government, and that he would now withdraw it.

Mr. E. B. WOOD, before the amendment was withdrawn, would like to understand if the Finance Minister was taking the duties off tea and coffee because they were articles which were not produced in this country, or whether it was a matter of necessity because they had been taken off in the United States. It seemed to him, notwithstanding all that had been said and written about the rival doctrines of free trade and protection, that the problem was not yet settled whether or no free trade, as expounded in the light of the observations of the Minister of Finance, was a correct theory. It had been stated that the United States had surrounded themselves with a Chinese wall of protection, and the alarm had been sounded that in that country they were on the eve of a great commercial crisis. It had been stated also, that they had been ruined by the policy of protection; that their commerce had been destroyed, and their ships driven from the sea.

Mr. WORKMAN—So they have.

Mr. WOOD could not see that there was an absolute loss, even although the foreign trade should have fallen off, when the domestic commerce of the country had so largely increased. He could not understand that the traffic which was carried on in ships was an indication of the wealth of the nation. As far as his knowledge enabled him to determine the whole question of free trade and protection, as expounded by the Minister of Finance, was a matter that had still to be solved. Why, what had they seen? They had seen France from free trade resorting to protection, and it had been stated that, under such stimulus, no country in the world had ever exhibited such recuperative powers after an exhaustive struggle as that country. They had been told, too, that in the United States the whole machinery of commerce was liable to a sudden collapse, because of a commercial system they had adopted; but in opposi-

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tion to that statement it was seen that they were rapidly paying off their public debt, importing largely of the commodities of other countries, extending their empire over this continent, and prospering in every direction. Before he was prepared to receive, therefore, the theories of free traders, he thought it should be shown that the poor man would not receive benefit by taking the duties of those articles which were not produced in the country, and thereby affording what had been so much sneered at as the "incidental protection of our manufactures." (Hear, hear.)

Hon. Sir F. HINCKS reminded his hon. friend opposite that he had expounded no doctrines of free trade or protection at all.

Hon. Mr. MACKENZIE—You have given up all that.

Hon. Sir F. HINCKS—All he had stated was that free traders as a rule were in favour of levying duties on articles which were not produced in the country; while protectionists favoured the taxing of articles which entered into competition with those produced in the country. Then as to the question the hon. member had put, why these duties had been taken off by the government, he (Sir Francis) thought it was enough to decrease the taxation of the country as much as he had, without entering into the reasons for lessening the burden. (Hear, hear.)

Mr. MILLS said that, when the Finance Minister proposed the duty on rice, it was in the interest of parties in the country who owned mills for the preparation of barley, which they thought would be used as a substitute for rice. The object was to reduce the consumption of rice, and to bring barley into use in its stead. The hon. gentleman would see, therefore, that the principle of protection was involved in the duty.

Hon. Sir FRANCIS HINCKS could assure the hon. gentleman that he was mistaken. He (Sir Francis) was responsible for the duty on rice, having proposed it when the necessities of the country required all the revenue that could be raised. The only object the Government then had in view was to procure revenue, not to promote protection. He was not aware that there was any person interested in barley who desired a duty to be placed upon rice, nor did he think that the consumption would be materially affected by duty. The object the Government had in view at the time had been accomplished. A revenue was obtained from rice without bearing heavily upon the people; and he was not desirous that it should now be decreased.

Mr. BODWELL thought the Finance Minister had misapprehended what he had said. He had stated that rice was an article which entered largely into the food of the people; that to the poor man it was an article of luxury, one of the few luxuries in which he indulged, and that, therefore, it was not an article upon which there should be a heavy tax. As for what the hon. gentlemen had just said about his free-trade views, there was also a misapprehension. He (Mr. Bodwell) had always been in favor of raising the revenue in such a way as to affect incidental protection to the manufactures of the country, and certainly the taxation of rice had no effect in that direction. The duty of one cent per pound amounted to twenty-five or thirty per cent. on the value of the article, and there was none would could less afford to pay so high a revenue. [Cries of "question."] He had no desire to press his motion to a division.

Mr. GIBBS hoped the hon. member would withdraw his motion after the explanation of the Finance Minister. When the question of revising the tariff came up in the future, that would be the proper time to deal with this matter, and at present the reason given by the Finance Minister ought to satisfy every one, whether he was favorable to the repeal of the duty or not.

Mr. DE COSMOS said there was a point connected with this question which was of peculiar interest to the people on the Pacific coast. In the countries along that coast they had a large population whose food was composed chiefly of rice, and the imports of that article annually amounted to about thirteen million pounds. Now, in the public works which would soon be undertaken in British Columbia, Chinese labour would probably have to be employed instead of European, and it would be necessary to retain the present duty in order to reach a class of population that it was impossible to reach by the ordinary means of taxation. With respect to the statement that no additional taxation would be imposed this year, he was sorry for it, speaking from a British Columbia stand point. He hoped that something would have been done for the agricultural interest of the Dominion; but, as the ministry had decided not to take up that question this year or impose any new duties on articles which now contributed no revenue, he was prepared to support the resolution in the hope that next session they would be able to propose some plan by which the agricultural interests would secure a fair share of protection like

the other interests of the country. (Hear, hear.)

The amendment was then withdrawn, the resolution was adopted, and the committee rose.

Hon. Sir FRANCIS HINCKS introduced a bill founded on the resolution, which was read a second time.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved the House into Committee of Supply. The motion was carried, and the House went into Committee, Mr. Stephenson in the chair.

On the item for officers of Assistant Receivers General.

Hon. Sir FRANCIS HINCKS explained the necessity of this new branch of the service.

Mr. WORKMAN objected that the remuneration allowed to the Montreal agency was not adequate to the responsibility.

Mr. MACDONALD (Glengarry) said that if the Finance Minister thought the amount sufficient, no doubt it was.

Mr. DORION thought that if the service could be performed at Montreal for \$5,000 that amount should be sufficient elsewhere.

Hon. Sir FRANCIS HINCKS said it was found undesirable to establish a separate agency of the Government in Montreal as was done in Toronto, and in the latter place the profit was derived from the Savings' Bank branch, which was not the case in Montreal.

Mr. ANGLIN asked the reason of the large charge at Halifax—\$10,500—and also how the matter stood at St. John.

Hon. Sir FRANCIS HINCKS said that at Halifax, in addition to the Savings' Bank, and the Assistant Receiver-General, there was the office of Auditor. The only new vote was as respects the Savings' Bank, which was a very important institution.

Mr. ANGLIN said there was also an Auditor at St. John.

Hon. Mr. MACKENZIE asked whether four thousand dollars was the amount required for the salary of the Savings' Bank agent at Halifax.

Hon. Dr. TUPPER said there was no change in the expenses of the Savings Bank, which was formerly under Government control.

Mr. JONES (Halifax), said the point was that there was an increase of \$4,000, and it was desirable to know the cause of such increase.

Hon. Sir FRANCIS HINCKS said he would give full explanation on concurrence.

Mr. DeCosmos.

Hon. Mr. MACKENZIE referred to the charges for Manitoba and British Columbia, and thought them very large in proportion to the business that would be done.

Hon. Sir FRANCIS HINCKS said when British Columbia came into the union, the Savings Banks were in existence and had to be taken over. In Manitoba there was every prospect of a very satisfactory business.

Hon. Mr. MACKENZIE said that on concurrence there should be a statement of parties employed and their salaries.

Hon. Sir FRANCIS HINCKS agreed to furnish this.

On the item for the Department of Militia and Defence.

Hon. Mr. MACKENZIE asked whether the increase was merely under the operation of the Civil Service Act.

Hon. Sir GEO. CARTIER replied in the affirmative.

On the item for the Finance Department,

Hon. Mr. MACKENZIE asked the meaning of the increase.

Hon. Sir FRANCIS HINCKS said there was an additional clerk in the Savings' Bank Branch, and the remainder was under the Civil Service Act.

On the item for the Post Office Department,

Mr. YOUNG asked the meaning of the increase.

Hon. Sir FRANCIS HINCKS said as new provinces came in the service had to be extended.

Mr. YOUNG thought the discrepancy between the revenue and expenditure was too great.

On the item for the Department of Agriculture,

Hon. Mr. MACKENZIE asked the meaning of the item of \$6,000 for re-organizing the Department.

Hon. Sir FRANCIS HINCKS explained that the Minister of Agriculture desired to make great changes in his Department, but the Government desired that he should not do so until authorized by Parliament.

Hon. Mr. MACKENZIE thought it was asking too much, and hoped the item would not pass without full explanation.

The item was allowed to stand.

On the Treasury Board item,

Hon. Mr. MACKENZIE said it was promised last year that there should be no double salaries.

Hon. Sir FRANCIS HINCKS said he did not remember the promise. The Treasury Board was organized under a specific act, and he did not see how the matter could be changed. The appointment was in existence when he took office.

Subsequently, on Mr. POPE being present, the item for the Department of Agriculture was resumed.

Hon. Mr. POPE explained that the increase was necessary in order to a proper arrangement on the immigration and statistical branches.

Hon. Mr. MACKENZIE thought more explicit information ought to be given.

Hon. Mr. POPE said it was necessary that the matter of statistics should be taken up by the Dominion Government instead of being left to the different Provinces. The matter was most important, and he intended to introduce a system on the subject and carry it out as economically as possible. The change in the immigration branch was very necessary.

Hon. Mr. MACKENZIE said that for all this the amount asked was too little. He had pressed the importance of vital statistics on the Government before without effect.

Hon. Mr. POPE said he might ask for an additional vote in the supplementary estimates.

Hon. Mr. MACKENZIE said the matter could not be done without statutable authority. The system in Ontario was a good one, but there ought to be a uniform system of collecting vital statistics throughout the Dominion. In Quebec the system was not correct, and the same he believed to be the case in Nova Scotia. There ought to be a stated scheme in this matter, and he would give his utmost assistance.

Hon. Sir JOHN MACDONALD was sure the Minister of Agriculture was much obliged for the kind offer of the member for Lambton. The Department had full power and right to collect the statistics in question under the British North America Act, as a matter of necessity to the well-being of the country.

Hon. Mr. MACKENZIE said there was no such power, and the hon. gentleman had previously admitted it.

Hon. Sir JOHN MACDONALD said that what he had previously maintained was that the Government had no power to collect the statistics through officers of the Local Government.

Hon. Mr. CHAUVEAU said that in Quebec there was the best material for vital statistics in the world.

Hon. Mr. MACKENZIE said he had considered that the Ontario plan was complete, not the statistics themselves. The Quebec system gave no particulars of the causes of death, and was therefore incomplete. The Dominion ought to be a complete one. Whether the hon. gentleman

sneered or not he [Mr. Mackenzie] would do all he could to assist the matter.

Hon. Sir JOHN MACDONALD said that he was not aware he had used any offensive remark. He referred to the Act incorporating the Department of Agriculture, which gave full power for the object contemplated.

Hon. Mr. MACKENZIE said they did not want any such school-boy explanations as that, and the hon. gentleman need not loose his temper. (Laughter.)

Hon. Mr. CHAUVEAU said the member for Lambton had no temper to loose. (Laughter.)

Hon. Dr. TUPPER complained of the member for Lambton disparaging Nova Scotia in this matter. Ontario had copied the system of Nova Scotia.

Hon. Mr. MACKENZIE said he had termed Nova Scotia the best system.

Hon. Dr. TUPPER understood the hon. gentleman to term the system of Nova Scotia worthless; whereas, Nova Scotia had taken the lead in the matter, and had brought it up to a high state of perfection.

Hon. Mr. MACKENZIE said he had made no such statement; but he supposed the hon. gentleman was speaking for the benefit of some Nova Scotian friend in the House. He then referred to an account in the *Colonist*, which he termed the paper of the President of the Council, respecting his action in the Committee on Public Accounts, and which he said was utterly incorrect.

Hon. Dr. TUPPER said he would ask the member for Lambton for his authority for calling this newspaper his (Dr. Tupper's.) He had not a shadow of foundation for such a statement. He (Dr. Tupper) never had one farthing's interest in the paper, and not a line of telegraphic information had been sent to it by him or with his knowledge. He was glad to have this opportunity of dealing with the matter. The statement in question was that the paper represented that the member for Lambton endeavoured to bring up matters before the Committee on Public Accounts in reference to business transactions between Nova Scotia and the Dominion which Nova Scotia herself had never brought, and to press on certain counties of that Province claims for money due to the Government, which the Government of Nova Scotia had never sought to press. When the subject was brought up in Committee, he (Dr. Tupper) stated that to his knowledge there was no correspondence on the subject, and there the matter ended. He had no more to do with what appeared in the paper than the hon. member for Lambton had.

Mr. JONES (Halifax), said the statement in question was a mere carrying out of a system of misrepresentation in the Lower Provinces now in force respecting the action of the member for Lambton. An attempt was being made to convey to the people of Nova Scotia the impression that the Opposition desired to oppose every measure brought forward by the Government in the interest of Nova Scotia. No one would bear out the statement of the President of the Privy Council, as to the statement he attributed to the member for Lambton respecting the statistical system of Nova Scotia. Although that system was not perfect, there was the foundation for a perfect system. The President of the Council was not correct in what he attributed to the member for Lambton in the Committee on Public Accounts.

Hon. Dr. TUPPER said the member for Lambton would not deny that he had brought up in committee claims for right of way which had been paid by the Government of Nova Scotia, and was a charge against the counties.

Hon. Mr. MACKENZIE said when he brought the matter up he knew nothing of the particulars of the matter, but had seen a statement of such a claim in a newspaper.

Mr. JONES (Halifax) said the President of the Council should have informed himself on the subject before stating that there was no correspondence on the subject. He (Mr. Jones) had papers in his pocket showing the action that had taken place on the subject.

Hon. Dr. TUPPER said he had merely stated that to his knowledge there was no such correspondence.

It being six o'clock, the House rose.

AFTER RECESS.

The House again went into Committee of Supply, Mr. Stephenson in the chair.

On item of \$20,000 for the Administration of Justice in Manitoba, the Northwest Territory, and British Columbia.

Hon. Mr. MACKENZIE asked for information as to the courts that had been organized.

Hon. Sir GEO. E. CARTIER said that Manitoba had passed an act organizing a court for that province, consisting of three judges; and the Minister of Justice was about to bring in a bill to fix their salaries.

On the item for the maintenance of Dominion police, \$25,000.

Hon. Mr. MACKENZIE objected that there was not now the same necessity that existed for the motion, for the maintenance

of the peace should devolve on the Local Government.

Hon. Sir GEO. E. CARTIER said that since the cessation of Fenian raids the strength of the force had been diminished, but the force was still considered a necessity. There were some twelve or fourteen men employed about the Parliament Buildings, and others in different parts of the Dominion.

Hon. Mr. MACKENZIE asked whether any portion of the money was paid to parties beyond the frontier.

Hon. Sir GEORGE CARTIER—No; he believed not.

Hon. Mr. MACKENZIE asked whether any one had been appointed to succeed Mr. McMicken, and in whose hands was the control of the force.

Hon. Sir FRANCIS HINCKS said the force was under the control of the Deputy Minister of Justice, but no successor had been appointed to Mr. McMicken.

On the item for Observatories at Kingston, Toronto, &c.,

Mr. MILLS asked whether any reports had been obtained from the parties in charge of the observatories.

Hon. Dr. TUPPER said this could be found on reference to the report of the Minister of Marine and Fisheries.

Mr. JONES (Halifax) desired again to press on the Government the necessity of a system of storm signals.

Hon. Dr. TUPPER said the Government intended to render the system as perfect as possible, and they had doubled the appropriation for that purpose. In view of the expression of opinion of the House, Government might carry the matter further than they intended.

Mr. RYAN (Montreal) said that a system of storm signals would be of the greatest possible advantage to the commercial interests of the country.

Mr. MILLS inquired what kind of instruments were to be procured with the sum of \$10,000, and also where the Government proposed to establish the Observatories.

Hon. Dr. TUPPER said it was the intention of the Government to establish stations at all the principal points in the Dominion, including Manitoba.

The items were then adopted.

Hon. Sir FRANCIS HINCKS moved that the Committee rise and report progress.

GEOLOGICAL SURVEY.

Hon. Mr. HOWE moved the third reading of the bill to make provision for the continuation and extension of the geological survey of Canada, and for the maintenance of the Geological Museum.

Mr. Jones.

Hon. Sir JOHN MACDONALD moved to recommit the bill, in order to amend by providing that the salaries of officers employed on the survey should be submitted to Parliament.

The motion was carried, and the House being in Committee, the bill was amended and reported. The bill was then read a third time and passed.

PACIFIC RAILWAY.

The next order being the reception of the report of the Committee of the Whole on certain resolutions respecting the Canadian Pacific Railway,

Hon. Sir GEO. CARTIER said he had no objection to accept the suggestion made by the hon member for West Durham the other day, when the question was under discussion, that the money subsidy payable to the company undertaking the construction of the railway should be paid in instalments from time to time, in proportion to the length of the road constructed. The Government had also decided to accept another suggestion of the hon. member with regard to the land grant for the Manitoba and Nipegon branches, which did not form a necessary part of the railway to the Pacific. He [Sir George] had stated on a former occasion that in making grants of lands for these branches, it was the intention of the Government to be guided by the quantity of land that would be given to the Company building the main line. At the same time he had stated that perhaps a little larger quantity of land would be given with the branches than for the trunk line, owing to the difficulties of the country through which they would pass. The Government moreover had no objection to placing a limitation upon the quantity to be granted, as the hon. member for West Durham had suggested. He [Sir George] proposed to restrict the quantity of land to be granted for the Manitoba branch to 20,000 acres per mile and for the Nipegon branch to 25,000 acres per mile. He had prepared amendments in the sense of these suggestions, and he would therefore move to refer the resolutions again to Committee of the Whole; with instructions to amend by providing that the money subsidy should be paid in instalments according as each portion of the Railway was completed, and that the land grants for the branches should not exceed the quantity he had stated.

Hon. Mr. MACKENZIE asked whether the Government undertook to bring in the line to the south west of Lake Nipissing.

Hon Sir GEORGE E. CARTIER—Yes.

Hon. Mr. MACKENZIE said it seemed to him a very good beginning of a most gigantic undertaking. The Minister of Militia told them on a previous occasion that the Governor in Council was a great institution if power were given as was asked to charter a company and make any arrangements that might be considered fit within the terms of the Act with that company for the construction of the road. He objected to this plan on two or three grounds. One of the most serious objections in the matter of the Intercolonial was that the contracts were given out before the surveys were sufficiently complete. The Minister of Finance stated that the objection would not apply in this case, because the contractors would have to supply all the engineering and surveying work, and that the Government would only have to make the grant of money and land and employ an engineer to superintend the work, and see that it was carried out in accordance with the contract. No company, however, would tender without having the necessary information on which to base their offer without making a very large allowance for possible difficulties. The Government could not be in a position within two years to lay down a route on the map, or state the grades or cuttings which would have to be encountered, or say how far removed the route would be from the course of navigation by which material and supplies could be obtained, for up to the present time they had not been able to ascertain the difficulties that would be met in the west part of Lake Superior district, or at the very beginning of the route. Mr. Fleming's report stated that he apprehended serious engineering difficulty in bringing the line to the south west of Lake Nipissing; and yet the Government pledged themselves that the line should be brought in there. With the present lack of information it seemed to him suicidal to force on the work, and he thought the member for Grenville would bear him out that there was nothing gained by having imperfect surveys either exploratory or otherwise; this was shown in the case of the Intercolonial, the completion of which had been seriously delayed instead of being promoted by the early letting of the contracts. With regard to the scheme itself he still held the ground he took last year, that it was wrong to undertake the construction of the road within ten years, and he still believed it would be the best plan to commence the work near the American lines, which would afford them a winter line into Red River territory, while the Dawson Road would be available in summer. It would be a fatal mistake

to force on this work while there was no particular object to be accomplished, and no population to be accommodated; although of course there was always an object in opening up the country, and no doubt this country was rich in mineral and agricultural wealth. It would be unwise on principle to entrust the Government with a power to charter a company, and to make any agreement they might choose with that Company for an amount of money of at least \$30,000,000, and an allowance of 50,000,000 acres of the public domain. It was essential that a contract should have the direct sanction of parliament, and no company ought to be organized by the Government for the purpose of entering into a contract with itself for a gigantic enterprise. He regretted that the Government would not take the House into their confidence at the next session, as there could be no possible loss of time involved in doing so, and the House would then be enabled to give an intelligent division on the subject. He hoped to obtain some favorable response from the Government to his views, and if not he should place an expression of his opinion on the journals of the House.

Hon. Sir GEORGE CARTIER said that with regard to the money subsidy, the Government had no other alternative than to come before the House this session in order to carry out the covenant with British Columbia, and propose a scheme for the construction of the railway. The condition of union with British Columbia was that the road should be commenced in two and completed in ten years. It was not possible to have prepared a scheme last session; but the Government had done so this session; and the proposal that had been brought down was a comprehensive, a large, and a safe one. (Hear, hear.) He regarded it as not only possible, but as a certainty that the whole work would be completed in ten years from Fort Garry west to the Pacific, and east to Lake Nipissing. It was understood that Lake Nipissing would be the eastern terminus of the road, and in order to connect that point with the railway systems of Ontario and Quebec, there were now various companies seeking incorporation. The policy of the Government would be to favor the incorporation of all those companies with a view to facilitate as much as possible not only the building of the Pacific Railway itself, but the necessary branches from Lake Nipissing towards Toronto on the one hand, and towards Ottawa on the other, along the north bank of the Ottawa River. The hon. member for Lambton had criticised this scheme of

the Government, but he had offered no suggestion whatever which would so commend itself to the House as to compel its acceptance by the Government. If the proposal of the Government were defective, it would have been easy for the hon. gentleman to have made such a suggestion, but he had failed altogether to do so, and therefore he thought it might be assumed that the scheme was one which challenged attack from hon. gentlemen opposite.

Hon. Mr. MACKENZIE said he had made suggestions. He had pointed out that instead of gaining time the Government would lose time by pursuing the course they proposed. He had stated that they should have procured a thorough exploratory and instrumental survey before making contracts for the construction of the road. He had shown that the system of proceeding with a great work of this kind without having an accurate knowledge of the topography of the country through which it was to pass, instead of being an advantage it was a very great disadvantage. He had pointed out, too, that the proper course to have pursued was to have proceeded with the easier portion of the work first, that between Fort Garry and the Rocky Mountain, leaving till a subsequent time the construction of the difficult part between Fort Garry and Lake Nipissing, in regard to which there was no necessity for immediate and hasty action; while in the meantime accurate information might be obtained respecting those parts of the country about which the Government and House knew as yet little or nothing. These were the suggestions he had thrown out; but it suited the hon. gentlemen opposite to ignore them.

Hon. Sir GEORGE CARTIER said the Government would make no contracts for the construction of the road at all, and therefore the suggestion of the hon. gentleman was not applicable. Then as to the surveys, that which had been ordered by the Government was hereby a preliminary survey. The Company with which an arrangement would be made, would have to make at their own expense, a location survey which would have to receive the approval of the Governor in Council, before the work would be proceeded with. [Hear, hear.]

Mr. YOUNG said that when this railway was discussed last session he had described the proposal of the Government to build it as a leap in the dark, and so he still regarded it. He believed that by forcing forward the work before all the necessary preparations had been made would increase the cost of it at least 25 or 30 per cent. He had no expectation

Hon. Mr. Mackenzie.

that in any case the line would be constructed for the subsidies proposed by the Government and he was strongly inclined to think that the figures had been cut down to the lowest possible limit, in order that they might not alarm the people at the approaching election. He was satisfied that the money proposed to be spent upon the line was only a small part of the burden which the country would ultimately called upon to bear in connection with this work. He believed, judging from the cost of the Intercolonial and the American Pacific Railway, that the cost would be enormously in excess of the amount stated by the Government, and after the election, if hon. gentlemen opposite still remained in power they would be found coming down to propose a large increase of the subsidy to be paid to the Company. Then as to the land grants it would be a matter strongly to be objected to if the Company could act as the Canada Company had acted, and lock up the land until its value increased, and the Company could sell at high prices. He was opposed to the extraordinary powers which it was proposed to place in the hands of the Government according to the scheme. The door was opened for all kinds of corruption, and the Government might actually increase the subsidy payable to the Company without ever asking the consent of the House. In any event the Government would have power to make almost any arrangement it pleased with the Company, a power which he contended should not be placed in the hands of any Government. He maintained that the reports so far received showed that there was a tract of country in the region of Lake Nipissing which was altogether impracticable for railway purposes, and also another tract west of the Rocky Mountains where it was impossible to find a practicable route. In the absence of any definite knowledge upon these important points, indeed in the absence of any trustworthy information, the Government proposed to rush blindly forward and commit the country to gigantic expenditures. The result could hardly fail to be disastrous, and he believed it would virtually put a mortgage upon every man's farm in the country. (Hear, hear.) There was nothing to prevent the company taking the money of the Government and leaving the railway unfinished, or when finished, the Company might in the end throw the whole cost of operating it upon the Government. He did not think the railway would pay working expenses for many years, if ever. The probability was that, after placing this enormous burden upon

the people, it would still be a huge, unfinished, and useless undertaking, which could only entail embarrassment and loss upon the country.

Mr. FERGUSON said he had interrupted the previous speaker in his calculations because they were wrong. \$30,000,000 was to be given, and the member was wrong in saying that was \$10,000 per mile. The whole of the argument of the member for Waterloo was that the road could not be built for the amount named. In one breath the hon. gentleman wanted the road built, and in the next he said it could not be built for the money. The Government, however, said it could, and he (Mr. Ferguson) had full confidence in the argument. The money, whatever the amount, would be spent in this country, and could not be spent in a better way. If the Government should come back another season and ask a larger grant, they would be refused, but the present bill bound them not to go beyond a certain amount, and the hon. member's argument was only to prove that that amount was too small. The only question was, what security there would be for the grant made, and how it would be made?

Hon. Sir G. E. CARTIER said the loans would be granted from time to time in proportion to the work done, and the difficulties overcome. There was an amendment before the Speaker that the money should be granted in proportion to the work done.

Mr. FERGUSON said that was quite satisfactory, and nothing more could be desired. The member for Waterloo had stated that from the report of Mr. Fleming the road would cost \$8,000,000 a year, and he would like to hear an opinion from the Government on this point.

Hon. Sir G. E. CARTIER said this would be stated in the agreement. The Government would not give the land or money without security from the Company.

Mr. FERGUSON thought the explanation satisfactory. Whatever the annual outlay might be it must be expended in this country, and this should press with the House to support the proposition, for the outlay would be a great source of good to the country. The member for Waterloo had made out the best case possible for the Government, and there could be no objection to the scheme.

Mr. CUMBERLAND said the logical conclusion to be arrived at by the members for Lambton and Waterloo would be to vote down the resolutions. They said there was a bad beginning. The beginning had been right, good, and most effectual. Considering the time that had

elapsed since the work was taken in hand, the men who had worked on the surveys had shown themselves well up to their work, and would prove that they had made a good beginning to this great work. Then, again, the hon. gentlemen had spoken of the dangers incurred. Could no enterprise be infused into those gentlemen? If the interests of the country had been left to the hon. gentlemen opposite, Confederation would never have been accomplished; British Columbia would not have joined us, and the great work would indefinitely be postponed. He referred to the report of Mr. Fleming showing how favorable the Canadian route was compared with the American lines in point of difficulties of construction. Hon. gentlemen opposite feared that the road would not pay for fifteen or twenty years. As to that doctrine they ought not to consent to its being built. The difference in length between the two oceans, and the comparatively easy construction would give Canada the whole carrying trade. He had tried to satisfy hon. gentlemen opposite for four years but had hitherto failed; but he would yet plead with them to recognize that there was a great future for this country. The achievement of Confederation in such a quiet and successful manner was an achievement of which any one might be proud, and might be a lesson to induce hon. gentlemen at least to cease to be obstructive. Hon. gentlemen opposite formerly complained of extravagant estimates; now they said the amount asked was altogether too small, and yet it was not to be granted. That was a strange logic. He had unflinching faith in the responsibility of the Government, and would rather take their view than that of an irresponsible gentleman. The Government were taking a very wise course in allowing competing companies to form, and more wisely still in taking power to prevent any improper understanding and collusion between the companies. The statement of the member for Lambton that it would take two years to decide the route was a strong argument that there should be no delay. The Government had been wide awake, but others had been so too, and the line of country was well understood, and there was no reason to wait for a location of the line before giving contracts. He hoped the line would be commenced in many points at once, and not on the Pacific slope only, as suggested by the member for Lambton. Were some gentlemen opposite afraid of the undertaking? Why should they fear? Was the area of the lands requiring development known? Canada had three and a half

millions of square miles with a fine climate, minerals of untold wealth, fisheries of great value, and the country was scarcely yet lost with such possessions. He desired to strengthen the loitering spirits of the hon. gentlemen to bear the burden of this undertaking, and referred to the increased trade, the bank returns, the Savings Bank business, and the revenue, which latter showed a sufficient surplus to pay the whole cost of the undertaking. He hoped he was not worrying the House, but he desired to inspire the hon. gentlemen with hope. If the growth had been so great in the past, why should it not continue? There were plenty who with him believed that to-day Canada was on the threshold of a great future, and it belonged to every one to endeavour to sustain the financial credit of the country, and not to foul his own nest or question the *bona fides* of the country. He asked that all objections might be waived, and as they owed the present political structure to the present guiding hands, they would trust them to build up the material structure also.

Mr. ANGLIN said the member for Lambton had not objected to the work itself, but to the mode. He (Mr. Anglin) believed Canada was not able to carry out the work. The United States had long contemplated their lines before undertaking them. Canada started from Lake Nipissing and had to build through a perfect wilderness for over 2,000 miles, and she might well hesitate before undertaking so enormous a work. If there were sufficient trade to maintain the road the case would be different, but there was not. With the present information no comparison could be made between the United States and Canada lines as to difficulty of construction. The House was, however, bound to begin the line within two years, and complete it within ten, and if that were possible it must be carried out, though he believed the cost would be very great. He believed they were bound to carry out their engagement, but they were not bound to accept any proposal of the Government. The House was really asked to denude itself of its proper power in the matter. A perfect and complete scheme ought to be submitted, stating the character of the road in every particular, and they would then be told what proportion of land and money would be given for the work done. He believed there was no sufficient guarantee given that the work would be done for the grants asked. The work must be done, but he could not approve of the scheme proposed.

Mr. A. P. MACDONALD said a road to the North-west had been the cry for

Mr. Cumberland.

years, and the question was how the country would be best served. At present it was impossible to keep emigrants in the country, in consequence of the attractions of the Western States. If the North-west was to be settled, it could only be done by this railway, and every day's delay was in injury to the country. As to the estimates, the American lines were being built with money, subsidies and land grants. The grant proposed he considered ample. The cost would be under a hundred millions. He believed that the capital required was sufficient. What was wanted were substantial and energetic men, and with the grant there would be no danger of the line not being constructed. The contracts should be given as soon as possible, and the grants made in proportion to the work done, and immigration would rapidly follow the line. American lands were advertised throughout all Canada, and the Americans had agents in Canada to induce emigration to their lands. He believed the line could be well constructed in the time named. The means were ample, and there were men in the Dominion thoroughly competent to carry out the work. The contracts should be given to one company, however large, and it would give confidence at home and abroad. He was glad the Government had grappled with the work, for it would be of immense benefit to the country, and would not increase the burdens of the people, and the labourers employed on the work would settle on the lands, and the population would rapidly increase.

The motion was then carried and the House went into committee, Mr. Mills in the chair.

The amendments were adopted and the Committee rose.

Mr. MACDONALD [Glengarry] had previously, in the case of the Intercolonial, voted that the question of route should be left to the Government, but he now regretted that vote, for the location was very generally disapproved. He was not prepared to repeat that mistake, and the location ought to be submitted to the House before the contract was given. Time would tell that the location of the Intercolonial was one of the greatest blunders ever committed. He moved, seconded by Mr. Scatchard, that the resolution be referred back to Committee of the Whole, with instructions to provide that the route to be adopted for the Pacific Railway shall be subject to the approval of Parliament, so as not to leave at the discretion of the Governor in Council the final determination of the location of the railway, towards the build-

ing of which it is proposed to give thirty millions of the public funds and fifty million acres of the public land.

The members were called in and a vote taken on the amendment, which was rejected on the following division: Yeas, 39; Nays, 83. Majority for Government, 44.

Hon. Mr. MACKENZIE said it was not his intention to take up much time in speaking of the motion he intended to move. If the speech of the hon. member for Algoma called for an answer he would have answered it, but it had been taken up in the discussion of a matter which had nothing to do with the subject before the House. The hon. gentleman had stated the gentlemen on his [Mr. Mackenzie's] side of the House had prophesied ruin and decay for the country. He had heard nothing about this. Hon. gentlemen on that side believed that there was a bright future in store for the country if its affairs were properly administered; but they felt that a course might be pursued which would cause very serious embarrassment; that the legislation now proposed would probably have such a result he had no doubt. He (Mr. Cumberland) believed that his friends were entitled to credit on account of the scheme of Confederation. He was mistaken, for that originated in the Opposition. (Cries of "Oh!" "oh!") He (Mr. Mackenzie) proceeded to say that the powers proposed to be conferred upon the Government were extravagant and dangerous; that this House should delegate its authority in the matter to the ministry was a bad feature, if the system of Government that had been introduced were passed, the House would be practically abdicating its functions and committing to the Government of the day control over all questions such as it should hold in its own hand. He moved in amendment to refer the resolutions back to Committee of the Whole, with instructions to amend by providing that all proposed contracts before being entered into shall be submitted to and secure the approval of Parliament, and to expunge that portion which authorizes the Governor in Council to charter companies to construct the railway without the sanction of Parliament.

Hon. Mr. DORION seconded the amendment.

The members being called in, the question was put, when the amendment was rejected on the following division:—Yeas, 39; nays, 82. Majority for the Government, 43.

Mr. YOUNG moved to refer back with instructions that no engagement shall pre-

vent Parliament from dealing with that part of the lands not granted to the company in such manner as the public interest may from time to time come to require, so as not to leave it in the hands of the Governor in Council the power of binding the country as to the cession of fifty million acres, an area equal nearly to six Provinces of the size of Manitoba.

Mr. MACDOUGALL (South Renfrew) seconded the amendment.

Mr. ANGLIN said if the amendment were carried it would prevent the Company from realizing on its lands; and as the House had pledged itself that lands should be granted, he did not see that that pledge should be hampered by a provision which would practically make the lands of no value to the Company. (Hear, hear.)

The House divided upon the amendment which was lost. Yeas, 30; Nays, 86. Majority for the Government, 56.

Hon. Mr. MACKENZIE said there were other features of the measure which seemed to him to require a change, but he would take an opportunity at another stage to offer his amendments.

The resolutions were then concurred in, and the House adjourned at 12:30.

SENATE.

WEDNESDAY, May 22.

The SPEAKER took the chair at one p. m.

BREACH OF PRIVILEGES.

After routine,

Hon. Mr. CAMPBELL moved that the Speaker issue his warrant for the arrest of W. Lount, the witness, who had refused to be examined before the Divorce Committee, and thereby committed a breach of the privileges of the House. Carried.

DOMINION NOTES.

On motion of Hon. Mr. CAMPBELL, the Dominion Notes Bill was read a third time and passed.

INSOLVENCY LAWS.

Hon. Mr. WARK read the following motion, of which he had given notice on a previous day:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to appoint a Commission of competent persons, whose duty it shall be under the direction of the Minister of Justice, to in-

quire into the operation of the Insolvent Act, and recommend such amendments as may appear necessary; the same to be embodied in a Bill to be submitted to Parliament at its next Session.

The hon. gentleman gave a brief review of the history of the Insolvency Laws, in the Province of New Brunswick. He argued that it was the wisest policy, not to repeal a law because it did not work altogether well, but to consider how it might be amended so as to promote the public interests. He found that the public opinion of the country was divided on the question, that the repealing Bill had only passed by a very narrow majority in the Commons; and under those circumstances it was not wise to repeal it altogether. The result would only lead to a state of things far worse than could possibly arise under the law. He did not wish to see any creditor in a position to harrass and crush a debtor who was acting honestly. When a man failed honestly the law should step in and distribute his property among his creditors, and then he should be allowed to take a fresh start.

Hon. Mr. SANBORN arose to a point of order. An address was not permissible with reference to the subject matter of a bill that was pending before the House.

Hon. Mr. WARK consented to allow his motion to stand.

The order of the day, the second reading of the bill to repeal the Insolvency Laws, was then taken up.

Hon. Mr. SANBORN went on to say that the responsibility which rested upon the House, was of no little moment and ought to be exercised. The House was called upon to consider a question on which there had been given during two sessions an expression of the sentiments of a majority of those who represent more directly the people of the Dominion. In the provinces of Quebec and Ontario the law had been in force for eight years, and the vote which was given elsewhere on the question may fairly be considered to illustrate the feelings of the majority of the people of those provinces. His hon. friend who had just resumed his seat had stated that he had been at the birth and death of three bankruptcy laws in New Brunswick; a very significant fact inasmuch as it showed that in his province, as elsewhere, such laws are of a temporary nature and are simply created in the first instance for the purpose of doing away with exceptional evils which grow upon society. He had been surprised to hear the hon. gentleman, who was generally so accurate, state that our Insolvency Laws were so perfect that they had been adopt-

Mr. Young.

ed word by word by the United States. It was hardly probable that the law could be adopted word for word inasmuch as there were certain provisions in it which could not be very well adapted to the United States. The Act of 1841 was enforced in the United States, and that was long prior to the enactment of our law. He was not prepared to say what amendments had been made to that law, but at all events it recognized the principle of voluntary assignment—it was incorporated into their system of judicature—all the bankruptcy proceedings were conducted in the ordinary courts of justice under the checks and guarantees which the courts are calculated to give. With reference to our law it was nothing of the kind. In the United States a person could not make a voluntary assignment unless he made it under oath that was to say, he made an inventory of his assets and liabilities under oath. Under our law any man who was a tradesman—and it required very little to constitute that; if he ran a water cart it would be sufficient—he had only to go before a Notary and make an assignment of his Estate. He had known instances where that Estate had been so insufficient that the Bankrupt had been obliged to get a subscription raised by his friends to enable him to meet the fees he had to pay to the Assignee. With regard to the imperfections of our law he might say the assignment was made without any other formality. True the insolvent was called upon to assist the Assignee in making up the inventory. He might be examined by the creditors as to whether he has made a full assignment, but that was after he was in bankruptcy. All the proceedings went on with the Assignee and in many instances many of them were extremely informal, and there was no check upon them. The result of the present state of things was shown by the *Gazette*. So numerous were the applications for a discharge in bankruptcy—and in almost all cases those applications were from the insolvent—the Attorney General of England said in 1869 that under the old law which was very much like ours, that it had got to be considered necessary for the credit of their families that some persons should go through bankruptcy once in six years. But we had got far in advance of that—many had gone through bankruptcy twice within six years. All this went to show that the influences of such a law must be injurious. What he wished to impress upon the House was that this law was of such a nature that it could not be amended, but we must proceed to the

basis and re-enact anew a law if it should be necessary. But he believed that in the present prosperous condition of the country we had no occasion for such a law. With respect to the discrimination to be exercised in giving credit, those who sold had the matter pretty much in their own hands. A great fault now lay with those who forced too many goods upon the market, and he regretted that the system of trading between the large centres and the country had so entirely changed within a few years. Formerly the country traders sought out the goods they wanted, but now they were waited upon by a class of persons known as “commercial travellers” who forced goods on them. Let those who carry on business conduct it on sound commercial principles—then we would be safer than we are now. Every man should meet his obligations, and if there was any other principle preferable to that he would like to know it. If those who were in trade would take pains to find out whether it was fraud or misfortune or recklessness that had led to the bankruptcy of a particular man, they would soon establish in the community a sentiment which would give rise to a wholesome trade in the country, and prevent nine out of ten cases of Insolvency that at present exist. Now a man entered into business as if there was no great responsibility connected with it—no more than railway contractors appeared to feel. If there were evils that might arise in connection with preferential assignments, let there be a law enacted that would remove them. When the question before the House came up in the other branch, last session, there was a majority of 31 from Ontario and Quebec in favor of repeal. This session, on the final vote on this question, the present Bill was supported by the large majority of 36 from Ontario and Quebec. It was true the Maritime representatives were, for the most part, opposed to the Bill, but nevertheless it had passed successfully. He read from a newspaper an advertisement of a trader who announced that he had commenced business again, “having undergone repairs legally and morally;”—showing how callous people became under the existing system of bankruptcy—considering it rather a matter for amusement. He also read the conclusion of the memorial of Montreal merchants, who declare that the law is “injurious to the interests of the country generally,” that it is “so complicated by amendments from time to time that further amendments hereafter will only tend to further embarrassment,” and that it was better to enact a new law

"so that settlements may be arrived at without the intervention of Official Assignee or third party." There was, he continued, another petition from Montreal purporting to be signed by 180; but he had received two letters from two gentlemen who had signed it, declaring that they had not understood its nature. One of them stated that he had been induced to sign it by the Official Assignee by the statement that it was in favor of the amendment of the law. He also read another letter to show the evils that arise from the existing law. In conclusion, he apologized to the House for having trespassed so long on its attention, but he had been opposed to the law in 1869, and now that he had some experience of its operations he felt he was perfectly justified in his opposition. He opposed it because he believed it was sanctioning and perpetuating a system of commercial immorality throughout the country, and that the only remedy now was to repeal it altogether. Then the Government could take the matter into consideration between this and next session, and come down with a measure which would meet the difficulties of the case and be as permanent as any such law ought to be.

Hon. Dr. CARRALL said that he rose with a feeling of much embarrassment to address the House for the first time, especially as he felt compelled to assume a position entirely antagonistic to a gentleman for whose legal acumen and argumentative power he felt the highest respect. He need not tell the House that there was a time in the history of the world—not a very remote time—when a condition of impoverishment was one of obloquy—when imprisonment for debt was in vogue and the word "bankrupt" was synonymous with the words rascal and rogue—or to quote the more expressive language of his hon. friend—with "commercial immorality." It must be remembered that there was formerly considerable difference between the proper applications of the terms "bankruptcy" and "insolvency." Insolvency covered a wider range—bankruptcy only extended to merchants and traders; but now they might be considered synonymous. His hon. friend had quoted from Lord Eldon a statement to show the former experience of things in England, and also referred to the experience of the United States. With respect to the latter country he found that first they borrowed the bankruptcy law of England and put it into operation for a limited term of five years; but the law was not continued but suffered to go

by default. In 1841 the United States, in their wisdom, found it necessary to re-enact a new bankruptcy law and that survived a few years. In 1867, the United States still felt compelled to pass a general bankruptcy law for the United States. So it happened that the experience of the great Anglo Saxon family had been in the direction of enacting laws for the regulation of bankruptcy; and in face of facts like those it was idle for his hon. friend to say, and endeavour to fortify himself by quotations from Lord Eldon to try and prove that there was no necessity for such enactments. When England herself, the standard bearer in every progressive movement, had enforced a bankruptcy law,—when the United States found it advisable to do the same, the hon. gentleman would erase all laws from the Canadian Statute Book and in that way go contrary to the experience of the wisest commercial nations of the world. He (Dr. C.) believed that the principal opponents of the law were members of the legal fraternity, of which his hon. friend was so distinguished an ornament. He did not think, however, that the agricultural interests, of which he was as strong an advocate as any one in the House, approved of the measure that was now under consideration. His hon. friend, when referring to the votes on the question elsewhere, had kept carefully out of sight the fact that there had been only a majority of three altogether on the division—in fact it was a mere snap vote. He did not wish to go back to the condition of things that existed before we had a bankruptcy law in this country—when people who were disposed to act honestly and fairly, had been actually driven across the border on account of the harshness of their creditors. He did not wish to see any system in operation, calculated to harass and oppress any upright man who had been simply unfortunate in business. It was said that rogues rushed in and took advantage of the present law, but would things be any better, according to his own showing, if it were swept off the statute book altogether. Those who are engaged in business would have the same interest as ever in disposing of their goods, and would be as easily deceived as now by unscrupulous traders. He felt sure that the House would pay no heed to the sophistry and appeals of his hon. friend, and would give a vote in favor of the necessity of having at all times an equitable means of enabling men to carry on legitimate business, and to restore themselves when they have honestly failed.

Hon. Mr. Sanborn.

Hon. Mr. SMITH said that he must endorse a very large portion of the remarks that had fallen from the hon. mover of the bill with respect to the injurious effects of the present law. He was in favor of a bankruptcy law if we can obtain one that will not encourage rascality among the commercial community. The law, as it now stood, had certainly that tendency. There was a time when on account of the failure of the crops and over importation it was necessary for a number of unfortunate men to make a bankruptcy law; but that time had passed. The law was intended for an exceptional order of circumstances which no longer existed, and any who should happen to get into difficulties would be enabled to obtain relief even if the measure is repealed. We were now living in a very prosperous state, we had a large amount of money at our disposal, and he believed that with the assistance of Providence the Dominion had a long and prosperous career before it. When we had on the statute book a law which enabled men to take advantage of their position, and become dishonest, he felt it his duty to vote for its repeal. He showed how a dishonest man could come into a village and enter into competition with the merchant who had been there for many years, carrying on a safe and legitimate business, but who would soon find himself unable to compete with one who started with borrowed capital which he would soon refund, and cared nothing for consequences. That trader would eventually get into difficulties, offer his creditors 20 cents on the dollar; and if that was refused at the outset he would threaten them with an assignment, when probably they would receive nothing. Of course, the creditors would have to yield, and a few days later he would come out with a flaming advertisement headed "Bankrupt Stock for Sale at 50 per cent. below first cost." The natural consequence would be that the honest trader would find himself underbought, and probably in the end irretrievably embarrassed by circumstances arising from an iniquitous law. The speculators who went into business for the purpose of remaining only a few months were the class of persons really protected by the law. It was understood throughout Ontario that the bankruptcy law will die out next year, and he was quite positive that there would be an immense number of unscrupulous dealers in the interval, who would go into bankruptcy; and he intended keeping a list of such persons with the view of showing the House next session—in case it was not now repealed—the effects of a measure which encouraged rash, dis-

honest speculation. For these and other reasons he would support the Bill now before the House.

Hon. Mr. WILMOT did not believe that any man should be oppressed when he was unfortunate in business, and that would in his opinion be the effect of a system which did not give him an opportunity of dividing his property equitably and getting clear of its liabilities and commencing anew. His hon. friends had referred to the prosperous condition of the country, but suppose a monetary crisis should occur in London on account of a drain of gold to pay the French debt, money would go up everywhere and we would find ourselves very much embarrassed in this country. He had known the price of lumber and ships go down to ruinously low rates in consequence of a panic suddenly arising in the British money market, and the people of New Brunswick were suddenly large losers at the very moment they thought they were in a prosperous condition. In legislating for the country, Parliament should guard against contingencies and not be carried away by expectations that might prove delusive. If Great Britain had found it necessary to keep a bankruptcy law on her statute book—if the United States had thought it advisable to do the same, the Dominion of Canada certainly should have some means by which the mercantile community can make arrangements for the settlement of bankrupt affairs. The Board of Trade of St. John had come to Parliament with a petition asking that the law be not repealed, and he believed it would be prejudicial to the public interest to take the steps they were now asked to pursue.

Hon. Mr. SMITH again urged the repeal of the law, and said that the Official Assignees were a class of persons very expensive to keep up. He would trust a bankrupt stock in the hands of the Sheriff and a lawyer, rather than to the Assignees.

Hon. Mr. MACFARLANE was anxious to do justice to the honest trader, but he was not convinced by any arguments yet used by the advocates of the Bill that it would have such a tendency. He believed that viewed in all its aspects it was better to let the law remain on the statute book than repeal it altogether, and allow our business affairs to become embarrassed in consequence of the want of legal regulations. The law had been only in operation for three years, and he did not wish to see it strangled before the time of its legal expiration—a year hence. It appeared to him that the country has already one of the best safeguards of commercial morality, though he was aware

many persons did not approve of it; he referred to that system by which the standing of every business man in the community could be ascertained in a moment. He did not believe the law was by any means perfect, but it was better to let it remain for a few months longer than go back to a state of uncertainty and complications, and for those reasons he would move that the Bill be read that day three months.

Hon. Mr. TESSIER followed and spoke with much emphasis in French against the adoption of the Bill which had been moved by his hon. friend from the Wellington Division, and which he believed would tend to injurious results. He combated the arguments of the mover, and concluded by seconding the motion of the hon. member who had just sat down.

The debate was then adjourned.

BILLS FROM THE COMMONS.

A message was brought from the House of Commons by their clerk with Bills intitled: An Act to make provision for the continuation and extension of the Geological survey of Canada, and the Geological Survey.

An Act to indemnify the members of the Executive Government and others, for the unavoidable expenditure of Public money, without Parliamentary grant occasioned by the sending of an expeditionary force to Manitoba, in 1871.

An Act to incorporate the St. Lawrence Bank.

An Act to incorporate the Thunder Bay Silver Mines Telegraph Company.

An Act to incorporate the Mail Printing and Publishing Company (limited.)

An Act relating to the Treaty of Washington, 1871.

An Act to amend the Act relating to Banks and Banking.

An Act to amend the Chapters six and seven of the Statutes of 1871, relating to Savings Banks.

THE TREATY.

The Bill relating to the Treaty of Washington was made the order of the day, for Tuesday next.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA, Wednesday, May 22, 1872.

The SPEAKER took the chair at 3:25 p.m.

After routine.

Hon. Mr. Macfarlane.

BILLS INTRODUCED.

Mr. SHANLY introduced a bill to revive and amend an Act passed by the Legislature of the late Province of Canada, entitled "An Act to Incorporate the Gananoque and Bristol Navigation Company." The bill was read a first time.

Mr. ROSS [Victoria, N. S.] introduced a bill to provide for the reviviseal of the voters' list for the House of Commons in a certain district in the County of Victoria. It was read a first time.

GRENVILLE CANAL.

Hon. Mr. LANGEVIN presented a resolution to the address for copies of the tenders and other documents relating to repair and enlargement of the Grenville Canal.

THE NORTH WEST.

Mr. SMITH (Selkirk) enquired whether it was the intention of the Government to introduce during the present session any measure to provide for placing American citizens residing within, or entering into the North West territories, on the same footing as regarded trading relations with the Indian population as that on which British subjects stood within the Indian territories of the United States.

Hon. Sir GEORGE CARTIER replied that by the North West Territory Act the Governor in Council was authorized to make rules and regulations for the government of that country, and the Government would be ready to consider any representation that might be made with regard to the prospect of issuing regulations in the sense of the question of the hon. member indicated.

Dr. SCHULTZ enquired whether the present provisional battalion of active militia would be retained on duty at Manitoba; if so, for what period, and if the strength of the present force was to be increased by an addition of mounted riflemen.

Hon. Sir GEORGE CARTIER replied that it was the intention of the Government to maintain the present garrison of Fort Garry for a year longer, till May next. The Government had no intention of increasing the force, but in case an increase should become necessary, the Government had considered a way by which reinforcements could be despatched within a very short period, a few days.

Dr. SCHULTZ enquired whether the Indian camping ground of 500 or 600 acres at Fort Garry was now the property of the Government, and if not, to whom and on what condition it had been granted.

Hon. Sir GEORGE CARTIER said the

Government did not know anything about the ownership of the land. At all events it did not belong to the Government.

Dr. SCHULTZ enquired whether it was the intention of the Government to introduce a bill which would grant to the old settlers of Manitoba land in the same proportion as already granted to the half-breed population of the Province.

Hon. Sir JOHN MACDONALD replied that this subject had on several occasions been brought before the attention of the Government by the hon. member for Selkirk (Mr. Smith.) It was now under consideration, and would be determined in a few days.

QUEEN'S COUNSEL.

Mr. O'CONNOR moved an address for the correspondence between the Government of the Province of Ontario and the Government of the Dominion relating to the right of appointing counsel for Her Majesty in that Province. He said the motion had a two-fold object, the first relating to matter of law, and the second pertaining particularly to matter of fact. During the course of last year, the question had been a good deal agitated as to whether the right to appointing Queen's Counsel belonged to the Dominion or to the local Government of Ontario, and it was said that correspondence had at one time taken place upon the subject. Whether that had been so or not, and what the result of the correspondence had been, if any, he knew not. The matter seemed to have lain in abeyance for some time until a change of Government had taken place in Ontario. Shortly afterwards, the new Government exercised the power of appointing a number of legal gentlemen to the position of Queen's Counsel. The correspondence, if there was any to be brought down, would show whether the right of appointing had been conceded to the Provincial Government by the Dominion Government or not; but, whether or not, the Provincial Government had assumed an authority and privilege which, in his opinion, it did not possess. It seemed pretty clear, under the meaning of the British North America Act, that the Dominion Government alone had the right to exercise that privilege. If he read the Act correctly, the Governor General alone represented the Queen in this country. The Queen had a right to select her own counsel, and that selection could only be made by the Governor General. The Lieutenant-Governor was only an officer of the Dominion, and could not exercise a privilege of that kind. With regard to the second branch of the subject, in order to place it in a

position to be understood, it was necessary that he should give a short historical retrospect. It would be recollected that in days gone by the Roman Catholics of Ontario, then Upper Canada, belonged to the Reform party of the day, and that they supported that Party in its struggles for Responsible Government, and in dealing with the various questions which then agitated the country. This continued till the formation of the Coalition of 1854. Up to 1850, the *Toronto Globe* newspaper, then edited by its proprietor, Mr. George Brown, had been the organ of the Reform Government of the day. In 1850, the Haldimand election occurred, in which the proprietor of the *Globe* was a candidate, but failed to be elected. For some reason or other which he (Mr. O'Connor,) had never heard satisfactorily explained, but in regard to which he had heard many stories, Mr. Brown veered his course around; and, instead of remaining the mouth-piece of the Government, he became a most bitter opponent, and coalesced with, or rather became the organ of, a small party or clique, upon which he had himself conferred the name of Clear Grits. During the time the *Globe* was the organ of the Reform Government, things went very smoothly, and there was no paper in the country that spoke more highly of the Catholics of the Province, or better of their creed. From 1850 forward, however, till 1864, when the same gentleman formed a Coalition himself with the two old corruptionists, John A. Macdonald and George E. Cartier—(laughter)—no terms were too bitter, no epithets too degrading, to apply to the Catholics of the country. Their religious practices were described in the most disgusting terms, and their religious institutions were pelted with epithets too coarse to be repeated here, while even their family and educational institutions were spoken of in language which would much better besit certain houses that he need scarcely mention. That went on till 1864, when the tone of the paper greatly changed. He had made reference to its files in the library, but could find none of an older date than 1856. He had taken that, and from it had culled a few extracts which, with the permission of the House, he would read in order to illustrate the animus of the paper at that time.

Hon. Mr. MACKENZIE desired to know what connection these extracts had with the subject of Queen's Counsel in Ontario?

Mr. O'CONNOR said he would tell the hon. gentleman at the right time.

The SPEAKER said he did not see that the hon. member's remarks on the extracts

he proposed reading had any bearing upon the motion. He could not see that there was any apparent connection between them.

Mr. O'CONNOR said that before he got through Mr. Speaker and the House would see that there was a connection.

The SPEAKER—The hon. gentleman knew the rules and would be able doubtless to keep within them.

Mr. O'CONNOR then proceeded to read a number of extracts from the *Globe* of 1856, in which the Catholic hierarchy and priesthood were assailed in the most violent terms.

The SPEAKER (interrupting) said that these quotations were not pertaining to the question. (Cries of order.)

Mr. O'CONNOR—It seems to me they are. (Loud cries of chair! chair!) I think I shall be able to show—(Renewed cries and uproar.) I undertake, Sir, in my place here to say that before sitting down I will be able to show that these extracts are pertinent. (Cries of order and hear, hear.)

The SPEAKER thought the hon. member should submit to the opinion of the chair at once. If he had any speech of his own to make on the question he should make it, but the reading of these quotations was not in order.

Mr. O'CONNOR was utterly unable to understand upon what ground that could be determined. (Cries of chair.) He was quite willing to submit to the ruling of the chair.

Hon. Sir JOHN MACDONALD thought his hon. friend was bound to accept the ruling of the chair. Mr. Speaker had stated that he could see no connection between the extracts and the appointment of Queen's Counsel. If there was any connection, the hon. gentleman would commence by stating the principle he intended to lay down, and then illustrating it by these extracts. He might be within the rules in reading the extracts, but he must first lay the basis for them.

Mr. O'CONNOR said that this would simply compel him to change the sequence of his argument, and to commence at the other end. (Laughter.) He then went on to say that about a year ago Mr. George Brown had written a letter, in which he had made overtures to certain Catholic gentlemen to bring them back into the Reform party. In that letter, which he regarded as a public document, allusions were made to time gone by, the very time to which these extracts referred; and reference was also made to a certain gentleman who had done a good deal to agitate the country against the late Government

of Ontario. Now, that gentleman had written a letter in which he declared his belief, founding it upon correspondence which he said had passed between the late Premier of Ontario and the Premier of the Dominion, that a conspiracy had been entered into by which he and all other Catholics were prevented from being appointed Queen's Counsel in Ontario. When the change of Government took place a new batch of Queen's Counsels was appointed, but that gentleman, who lived in Hamilton, was not one of them. If correspondence had taken place between the two Premiers of the nature stated, the return would show it. Mr. Geo. Brown, in his letter, did not refer to the point, but—

Hon. Mr. DORION (interrupting) rose to a question of order. There was no connection between this letter and the subject of the hon. gentleman's motion.

Mr. O'CONNOR maintained there was, because the letter of the gentleman to whom he alluded asserted that a conspiracy had been entered into to prevent Catholics receiving appointments as Queen's Counsels, and that that conspiracy had been brought about by a written correspondence. He thought this fact would justify him in reading the extracts, in order to show to Catholics what had been said of them by men into whose ranks it was now sought to cajole them.

Mr. WOOD protested against the extracts, as being altogether irrelevant to the question.

Mr. O'CONNOR proceeded to read further extracts from the *Globe* of 1856, all of them using very virulent language towards the Catholic Church and Catholics generally.

After proceeding a short time he was again interrupted by a discussion as to the reading being in order, at the conclusion of which Mr. Speaker ruled that the extracts were irrelevant to the question before the House and out of order.

Mr. O'CONNOR said he would tell the hon. gentlemen who were so jubilant about the extracts being stopped that they would hear of the matter again and perhaps in a more effective way. He had stated that a gentleman in Hamilton who was an Irish Roman Catholic and a barrister, had complained during the administration of the member for Cornwall as Premier of Ontario, that he believed there was a conspiracy between that gentleman and the Premier of the Dominion to prevent him and other Roman Catholics from being appointed Queen's Counsel. If this was the case the correspondence he had asked for would no doubt show it. This

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gentleman, however, still adhered to the Grit party, and when his friends came into office a batch of Queen's Counsels was appointed, but his name did not appear nor did that of any Roman Catholic. Much younger men in the profession were appointed, although he admitted that they were of more than usual good standing; and it, therefore, seemed to the gentleman in question that if there was a conspiracy formerly there must be the same conspiracy now. When the correspondence came down the facts of the case would be ascertained.

Sir JOHN MACDONALD said there had been no correspondence or communication whatever on the subject between the Governments of Canada and Ontario.

Hon. Mr. BLAKE objected to a discussion of the actions of the Local Government, but he thought it desirable that he should speak as to the reference made to a gentleman at Hamilton. That gentleman was his personal friend, and had been so for more than twenty years. They were at college together and had been friends ever since, and he could assure the House that the gentleman in question had made no complaint whatever on the subject. He was, however, well aware that there was another gentleman of the same religion who had aspirations in the same direction—a gentleman of whose eloquence and elegance of manner the House had experience and who considered that he ought to have been made a Queen's Counsel; but he must confess that that gentleman's standing was not such as would justify his being so appointed. He was aware that the gentleman's practice was large and of a very varied character, and not confined to Canadian Courts, and that he was a United States as well as a Canadian lawyer; but he thought the gentleman had shewn the House and the country that he (Mr. Blake) would have acted very imprudently had he recommended his appointment as a Queen's Counsel, although he had that day suffered very much for not recommending him.

Mr. O'CONNOR said the hon. gentleman had no foundation in fact for what he had asserted. He (Mr. O'Connor) had never directly or indirectly mentioned anything to him as to his desire for the position of Queen's Counsel. The hon. gentleman had no right to refer to him in those terms. He had never asked for any favor and would never accept such a favor at his hands, ever if it were offered. The hon. gentleman was also mistaken in stating that he practised in foreign courts. With the exception of one year he had

always been a resident of Canada, and though he had once been admitted as an honorary member of a foreign court, he had never practised, and therefore all the sarcasm the hon. gentleman had chosen to pour out was without foundation and utterly contemptible, and the hon. gentleman would not have referred to him in such terms were it not under the protection of the House.

The motion was then withdrawn.

MISCELLANEOUS MOTIONS.

Hon. Mr. ANGLIN moved an address for the correspondence respecting Shippegan Gully. Carried.

Mr. FOURNIER moved for the translation and printing of the petition of P. Tetu and others, respecting Hon. Mr. Justice Bosse. Carried.

Mr. BODWELL moved for a return showing the amount of mileage paid to each member of the Senate and House of Commons for 1867 and 1868. Carried.

Hon. Col. GRAY moved an address for the correspondence relating to the trade relations between Canada and the West Indies. Carried.

NEW BRUNSWICK SCHOOL LAW.

The adjourned debate on Mr. Costigan's motion for an address to the Governor General on the subject of the New Brunswick School Law and praying that the same may be disallowed, was resumed by

Hon. Col. GRAY, who said he would endeavor to show the bearing of the question on the interest of the whole Dominion, and should endeavor to abstain from the expression of one sentiment that would call up a religious quarrel. He had been much pleased to observe the kindly feeling existing between the different religious parties of Ontario and Quebec, and he trusted to follow that example. He desired in the first place to refer to the language used by the late Mr. McGee at the time of Confederation. That gentleman, when addressing a public meeting at Montreal, said that the delegates might return to the different Provinces and say that the people of Canada were becoming more liberal in their views, and that religious bigotry was at a discount, and that every one's opinions were respected and every sect was allowed to manage its own affairs in its own way. He would ask the gentlemen from Ontario and Quebec to what they owed this fortunate position. They owed it to their Local Legislatures. If the state of things had been forced on them by coercion they would have resisted it, and

he claimed, therefore, that it was only fair and just to leave the Local Legislature of New Brunswick to accomplished the same object, as it was only fair to assume that that Legislature was actuated by the same motives that influenced Ontario and Quebec. It was most important that in all matters affecting local interests only, the Local Legislature should be the sole arbiter; and it was not for him or the House to determine the policy or impolicy of the law in question. The law had been six months in operation, and if it should be found injurious the Local Legislature had power to repeal or amend it. Was it not only fair to give New Brunswick the credit of desiring to legislate for the interest of the Province and the Dominion? The position of the matter in Ontario and Quebec had not been brought about immediately, for blood had flowed in the streets of Montreal and very bitter religious feeling existed before the system that produced so much harmony was adopted; and therefore had not New Brunswick a right to deal with the matter and to remedy any evil she might have produced? He did not desire to interfere with the religious sentiments of any one, for if there was any right which a man was entitled to exercise in his own way, it was the right to worship God in accordance with his own views. In New Brunswick there was a large number of people who believed that the public school ought to be carried on for the good of all sections and classes, without distinction or differences. With reference to religious belief, a large number believe it to be desirable to separate religious instructions from the secular all together, and it did seem lessening the dignity and character of religion to teach it in the same way as a rule of arithmetic or grammar. It was not religion learned at school that controlled men in their after life, but rather the lessons learned in their homes from mothers' lips, which, when they were about to forget all that was right and honourable, blazed up like a beacon light and warned them of their danger. While this was largely believed, there was no desire to interfere with tuition at private schools or Sunday schools, and when the people of New Brunswick, actuated by this feeling, passed the law in question after years of study, they said, "let us put the principle into force and try it, and if wrong it can be altered," and he asked that New Brunswick might not be deprived of the honor of remedying the wrong, if wrong had been done. He was about to move an amendment which was based on the view that it was the constitutional right of the Province of New Brunswick to

legislate on the subject of education, as the British North America Act in express language decided that such should be the case. He could understand that if a Local Legislature should frame a decidedly immoral law or one decidedly injurious to the interests of the Dominion at large, it would then be the duty of the Dominion Parliament to interfere; but unless such were clearly shown Parliament had no right to interfere. There was another point to be borne in mind. The New Brunswick Legislature sat for several sessions between the time of the Quebec resolutions and the operation of the British North America Act, during which time both the present Minister of Customs and the member for Gloucester were in office, and although the Legislature knew that the Act would contain a clause that any separate school system in operation at the time of Union should not afterwards be affected, it did not choose to pass any law organizing a system of separate schools. This was an important fact to be considered in connection with the matter, as it must be assumed that up to that time there was no expression of opinion to show the Legislature that such a system was desired by the people. The amendment which he should move was as follows:—"That it is essential to the peace and prosperity of the Dominion of Canada that the constitutional rights of the several Provinces shall be in no way impaired by the action of this Parliament, that the law passed by the Local Legislature of New Brunswick respecting common schools is strictly within the limits of its constitutional power, and it is amenable to be repealed or altered by the Local Legislature should it prove injurious or unsatisfactory in its operation; that not having yet been in force for six months, and no injury to the interests of the Dominion having been shewn to result therefrom, the House does not deem it proper to interfere with the advice that may be tendered to His Excellency the Governor-General, by the responsible ministers of the crown, respecting the New Brunswick school law." He referred to the matter of the insolvent law and the act respecting a court of divorce, in both of which matters New Brunswick had not been justly dealt with; and now again although the act was declared to be constitutional by the highest law authority of the country, Parliament was again about to interfere. If this were done, how were the advocates of Confederation to meet their constituents at the coming elections? They would be charged with being overruled by Canada and allowing the interests of New Brunswick to be trifled with, and

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he asked the friends of Confederation to pause before they gave reason for such a charge. He deprecated at the same time all appeal to religious feeling. He then went on to state that the Legislature of Canada had no constitutional right to interfere, for there was nothing to show that the act would be injurious to the Dominion. If, therefore, it was constitutional and had not operated disadvantageously to the interests of the Dominion, and if it was open to the Local Parliament to amend it, upon what principle could Parliament interfere? And it was for the interests of the Dominion that Parliament should pause before they created any feeling of dissatisfaction and distrust and want of confidence in the minds of the people of the Lower Provinces with reference to their rights under the present constitution. The dissatisfaction that previously existed was now passing away, because the people believed that they were dealt with fairly and honourably; and although they knew their representatives were numerically small, they believed there was a principle of justice and fair play which would protect them. Did the House wish that that confidence should be destroyed? Confidence once destroyed was hard to be regained. New Provinces were coming in and they might learn from the present action that there was no security that their rights would be preserved, and they might come to the conclusion that the step they had taken in entering the Union had been too hasty. It was important that the question should have the most careful consideration. The old and the new laws were not so very different after all. The substantial charge was that under the one there was compulsory assessment and under the other voluntary assessment. Under the old law, on the application of freeholders to the trustees of schools, the latter were bound to call a meeting of the inhabitants of the district, and if a majority determined that they would have a school, such decision was declared legal, and the assessment was made. The law provided that an assessment of thirty cents per head should be made on every individual for the maintenance and support of the schools. Further, there were certain privileges under the new law which did not formerly exist, as they had now the power to elect the trustees directly from the people. He did not, however, think the question was one to be decided by the House, but he desired to show that it was a mistake to suppose that there was such a great difference between the two laws. If the latter was bad, the former was bad

also. He then quoted the provisions of the two acts in reference to religious institutions; the old one enjoining on teachers the duty of inculcating the principles of Christianity, morality and justice, and the new act simply providing that the schools should be non-sectarian.

It being six o'clock, the House rose.

AFTER RECESS.

BILLS ADVANCED.

Hon. Mr. LANGEVIN moved the reading of the bill from the Senate to amend the St. Francis and Megantic Railway.—Carried.

The following private bills were then read a second time and passed through Committee of the Whole without amendment:—An Act to incorporate the Inland Marine Fire Insurance Company of Canada—Mr. Kirkpatrick; An Act to incorporate the Bank of Acadia—Mr. Forbes; An Act to incorporate the Bank of St. John—Hon. Mr. Tilley; An Act to incorporate the Anchor Marine Insurance Company—Mr. Gibbs.

The last two were read a third time and passed.

NEW BRUNSWICK SCHOOL LAW.

Col. GRAY then resumed his speech on the New Brunswick school question. He said a question of this nature should be settled upon principle and not upon details. It might be that the construction placed upon the bill passed by the New Brunswick Legislature by the Board of Education of that Province was stronger than was intended. If that was the case a remedy could be easily applied, and the action of the Board could be cancelled if it had exceeded its power. That would be the proper course to pursue, instead of bringing the matter before this House and asking the Government to disallow the bill altogether. He earnestly appealed to the House to consider carefully before acting in that way and interfering with legislation which was clearly within the constitutional right of the Provincial Legislature. To do that would create distrust in the stability of our institutions and want of faith in the fairness of the general administration. The consequences might be very deplorable, and he trusted the House would agree with him as to the impropriety of taking so grave a step which might have such a disastrous result in future. He concluded by moving his amendment.

Hon. Mr. CHAUVEAU said that having devoted a great portion of his life to the solution of problems of this kind he could

not remain silent. He would have preferred if the Catholics of New Brunswick had fallen back upon their own Legislature, and if the question had not been brought before this Parliament. It had, however, been brought up for consideration and there were only two things for the House to do—to consider whether it had the power to do what was asked and to determine whether the thing asked was right. The spirit of the constitution under which we had lived since the Confederation was to maintain the *statu quo* of the various religious ministers in the different Provinces (Hear hear.) The spirit of the constitution was not only that, but it was in favor of inviting still more liberal legislation on questions of this kind than existed at that time. He agreed with the last speaker that the House should not look too closely into details, but determine the question upon principle; and it was with that view that he desired to approach it. If the spirit of the constitution was as he had stated, and he read from the British North America Act to sustain this view of it, then it could not be affirmed that the legislation of New Brunswick, which declared that all schools should be non-sectarian, was in accordance with that spirit. He maintained that the non-sectarian principle could not be successfully applied to any educational system where any portion of the population was Catholic. In Ontario where it had been tried under the most favourable circumstances it had failed and it had also failed in Ireland, in Prussia, and wherever else it had been attempted. Non-sectarian education meant for Catholics no education at all, or a system which was utterly repugnant to their conscience and hostile to the Church to which they belonged. To enforce it, to make them contribute taxes to sustain it, would cause great dissatisfaction and a widespread feeling that they were wronged and foully dealt with. He admitted to those who went in for State rights, and he was not the least of them, that there was a weighty and formidable objection to the House interfering with Provincial legislation. He admitted that to veto such legislation was to be avoided—it is to be avoided; but it was a question of two evils, either of allowing the minority in New Brunswick to suffer under a grievous wrong, or to apply such remedy as was within the power of the House to afford. The Parliament of the Dominion had enough to do to legislate upon those great economic questions which affected all the Provinces alike. It had enough to do to deal with the various subjects which come more immediately within its juris-

diction, without being called upon to interfere with the action of the Local legislatures. If the minority in New Brunswick were placed in the same position as that which was occupied by the minority in Quebec, and given the same rights as the majority in that Province had cheerfully accorded to the Protestant minority, he was sure it would effectually banish from Parliament for the the future questions which if they were allowed to continue open, would give rise to an unseemly and unnecessary and dangerous agitation. He moved in amendment that all after the word "that" in the motion be struck out and the following substituted, "an humble address be presented to Her Majesty praying that she will be pleased to cause an Act to be passed amending the British North America Act of 1867 in the sense in which this House believed it to be intended at the time of the passing of the said Act, by providing that every religious denomination in the provinces of New Brunswick and Nova Scotia shall continue to possess all such rights, advantages and privileges, with regard to their schools as such denominations enjoyed in those Provinces at the time of the passing of the Act, and to the same extent as if such rights, advantages and privileges had been then duly established by law."

Mr. SMITH (Westmoreland,) thought the question a serious one, as revoking a change of the constitution: and as the amendment to the amendment had been sprung on the House without notice, he hoped the courtesy would be extended to him and other members representing New Brunswick of adjourning the debate.

Mr. CONNELL agreed with the views of the member for Westmoreland.

Mr. BULTON also desired, considering the importance of the debate, that it should be adjourned.

Hon. Mr. CHAUVEAU said he had only moved an amendment to the amendment. He could have no objection to the adjournment if the hon. members who had made other motions had none.

Mr. COSTIGAN would not object to the adjournment if it was understood that it would not interfere with a vote being taken on the original motion.

Mr. ANGLIN suggested that as there were several other important bills which might very well occupy the attention of the House to-night, and as the present subject would be all the better for fuller consideration, that the debate stand as the first order of the day on Monday. He said the amendment of the hon. member for Quebec did not coincide with the

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views he had expressed in his speech to the House; and if a declaratory act were passed by the Imperial Parliament embodying the suggestions contained in the hon. member's amendment, it would not place the Catholics of New Brunswick in any better position than they now occupied.

Hon. Sir J. A. MACDONALD said the request of the hon. member for Westmoreland appeared to be a reasonable one, but it was one that was altogether within the power of the House to grant or refuse. This matter was not a Government measure. (Opposition, ironical cheers.) This was not a Government day, and all the motions that were before the House upon the subject were in the hands of private members. It was a matter, therefore, that could be settled by the whole House. So far as he was concerned, the movers of the original motion and of the amendments being satisfied, he had no objection to an adjournment of the debate. He would point out, however, that it could not be resumed on Monday, if it was to receive the consideration the importance of the question demanded, for he knew that many members would be absent on that day. In order to give the subject full discussion and fair play, the debate ought to be fixed for Wednesday, and if the hon. member for Westmoreland would move to that effect he would have the floor on that day.

Hon. Mr. DORION said it would take more than one night to discuss the question and it would perhaps be as well to begin Monday, with the understanding that a vote would be taken on Wednesday.

Hon. Sir GEO. E. CARTIER.—But many members will be away.

Hon. Sir J. A. MACDONALD—Yes, and they will want to hear the debate so as to know how to vote. (Hear hear.)

Mr IRVINE said that the delay might extend so far as to go beyond the period within which the New Brunswick Act might be disallowed by the Government.

Hon. Sir J. A. MACDONALD said there was none of that. There was ample time.

Hon. Mr. CHAUVEAU, before the adjournment of the debate, wished to say a few words in reference to what had fallen from the hon. member for Gloucester, whose complimentary allusion to himself he Mr. Chauveau acknowledged. The hon. member would find that, if his amendment were carried, the rights of the Catholics of New Brunswick would be safe, and that they would continue to enjoy all the privileges they possessed at the time of Confederation. He did not wish the remark

of the hon. member to go to the country, pending the resumption of the debate, without a word of protest on his part.

The motion to adjourn the debate was then agreed to.

INTERCOLONIAL RAILWAY GAUGE.

The further consideration of the proposed motion of Mr Bodwell that the House should resolve itself into Committee of the Whole to consider a resolution declaring it desirable to adopt the four feet eight and a half inch gauge in construction of the Intercolonial Railway, was resumed by

Hon. Dr. TUPPER. He said that the proposal to change the gauge of the Intercolonial would involve the country in a very large expenditure, and this would be to accomplish a very different object from that which he believed the House had in view. He would ask the House whether any person would propose to change the gauge of the Grand Trunk Railway. The desire of that Company to change its gauge did not arise in the least degree in consequence of the superiority of the narrow over the broad, but from the simple fact that in consequence of the narrow gauge being the American gauge, a change of gauge on the Grand Trunk Railway would facilitate intercourse between the railways on the other side of the line, so promoting the business and the traffic of the country and the prosperity of the road. The smallest amount necessary to make the change now proposed was \$1,000,000, and the Government would have to provide for additional taxation to the amount, and instead of facilitating intercourse, it would simply give the Intercolonial a different gauge from any laying within two hundred miles of it. It would be just as reasonable if the Intercolonial were narrow gauge to-day to change it to the broad as it would be to change the Grand Trunk Railway from the broad to the narrow. Until a change was made in the Grand Trunk Railway and the Western Union, no more unfair or injudicious use of public money could be made than the present proposition would involve. The effect would be to realize the worst prediction of those who believed that the Intercolonial would not have a large traffic, and also to increase the cost of transportation and to do all the House could do to reduce the traffic of the Intercolonial to the smallest amount possible. There was another point. A great necessity was felt in the city of Halifax and throughout Nova Scotia to open the railway from Amherst to Truro, which would complete the connection between St. John and Halifax, and

to open that portion of the Intercolonial, the mileage now required to connect the Southern and North American line with the city of Halifax. It would not be right that the House should pass a vote on this question without being informed that that road, which it was expected would be opened by the 1st September, and about which there was the greatest possible anxiety in Nova Scotia that it should be opened as early as possible, would not if the resolution was carried be opened during the year.

Mr. SHANLY believed that to make a change on the Intercolonial was beginning at the wrong end, and would postpone indefinitely a change of gauge on those railways where it was most important, namely, on the Grand Trunk Railway and other Western railways. In the earlier part of the debate, the member for Montreal had stated that the stock of some American lines had increased rapidly in value in consequence of a change of gauge from the broad to the narrow. He considered that a very strong argument why the Intercolonial should not be changed. He admitted that the wide gauge was the most inconvenient, and therefore it should be left at the portion of the railway system where the minimum amount of traffic would be met with. He could well understand that the cost of the change would be fully the amount estimated. His view was, that unless they kept some portion of the system on the broad gauge and so enable it gradually to absorb the broad gauge stock, they would never bring about what he thought most desirable, viz: a change of gauge throughout the whole Dominion to the narrow gauge, because the cost was too great for the Grand Trunk and other lines to change their stock. He believed it would have been fortunate if no contracts for rolling stock for the Intercolonial had been given out, and if arrangements had been entered into to buy the stock of the Grand Trunk Railway and other broad gauge lines, and so enable those companies to build narrow gauge stock. The mere change of gauge was comparatively inexpensive, but the cost of building new stock was enormous. It was no doubt a great mistake to adopt the broad gauge in the country at the first, but it would only perpetuate the mistake to adopt the narrow gauge on the Intercolonial. He hoped the House would view the matter in this way, for he believed that one of the greatest benefits that would result from the construction of the Intercolonial was that it would enable the adoption of the narrow gauge throughout the country.

Hon. Dr. Tupper.

Mr. WORKMAN said the arguments of the member for Grenville had convinced him. He had been in favour of the narrow gauge for the Intercolonial at first, but could not press his views after the statements he had heard.

Mr. ANGLIN said he could not see that anything would be gained by making the change, and a large amount might be lost. The connections with the Intercolonial were all broad, and he could not assume the responsibility of compelling the Government to change the gauge.

Mr. JONES (Leeds and Grenville) regretted that the question of the gauge had never been discussed by a scientific board of engineers. We could not place much reliance on the opinions of engineers who are self-styled civil engineers, but who never have been examined by a proper board, as was required in the Old Country, and as was required here in the legal, medical and other professions. The question of gauges had been in dispute and various views had been entertained, but the point in Europe, about which there was no difference, was that the four feet eight and a half inches gauge was taken all in all, the best, and the Great Western Railway of England had been changed from seven feet to four feet eight and a half inches, experience having shown that a narrower gauge was better than a broad one. We were told now that it would cost a million of dollars to change the gauge of the Intercolonial, but he was not prepared to advocate the expenditure of this amount.

Mr. A. P. MACDONALD said the best evidence had been adduced by the Minister of Public Works that it would cost a million of dollars to change the gauge. Now it would cost five times as much in five years. He maintained that now was the time to change the gauge. Another rail could be laid. It was a Government road and laying the third rail would entail no loss to the Government, for when the rails of the broad gauge wore out, the narrow gauge could then be used.

Mr. CURRIER said there was not a member in the House who did not believe that the change on the Intercolonial would eventually have to be made, but he thought the proper time was to do it now and not let it go on, as it would only cost a million more if done at once but when the line was completed it would cost very much more.

Mr. CUMBERLAND said the nearness of the Canadian to the American system would ultimately necessitate a community of gauge and the whole area of the country in the course of say from twelve to fifteen

or twenty years would have its gauge changed. The highest locomotive authority in England had assured him (Mr. Cumberland) that there was no economy in the narrow gauge and that he had been able to produce cheaper results per ton on a wide than on a narrow gauge. The real, true and indisputable reason for our adopting the four feet eight and a-half gauge was to bring us into railway communion with the United States, and not because anything more could be gained or that there was any greater advantage in the narrow than in the broader gauge.

Mr. BODWELL did not see how it could be that the change proposed would involve an expenditure of \$1,000,000. A very small extent of track had been laid, and there would be no additional expenses incurred in laying a narrow than a broad. The amount of rolling stock yet built was very small, while the engines were said to be capable of use on the narrow gauge at a very small expense, and there could be no greater expense in building narrow than broad gauge stock. The question of the rival gauges had been thoroughly investigated in England. In 1846 a commission enquired into the matter, and they decided that the narrow gauge was the better and most economical and they recommended the narrow gauge to be adopted in future. He quoted the authority of English engineers on the subject to show that the narrow gauge was preferable both in the construction and working. He argued that a very great saving would be effected by the adoption of the narrow gauge and said it was admitted by all that the change would have to be made ultimately. The Grand Trunk Railway were already making a commencement which would lead to a change throughout its extent, and he quoted the language of the President of the Grand Trunk Railway, and Captain Tyler, to the effect that the broad gauge of the Intercolonial was little short of madness, and that the Pacific, the Grand Trunk Railway and the Intercolonial should be a uniform narrow gauge. He believed that it would be advisable to put a third rail on the Nova Scotia lines to accommodate a narrow gauge on the Intercolonial. The expense might be large, but it would be in the interests of the country, and the Government ought to grapple with the question at once.

Mr. BOITON could not understand the reasoning adopted by some hon. members. We were now connected with the United States at Bangor, and the gauge would have to be changed at several points of connection with the United States. Surely

if the gauge has to be changed, as it will have, the time was to do it now, and to prepare for it at once.

Hon. Dr. TUPPER said if the change of gauge were made now, there was no connecting American line within 200 miles of the Intercolonial. Doubtless one was intended to be built, as the hon. member for Charlotte had said, but it was hypothetical.

Hon. Mr. MACKENZIE said the entire theory on which the Intercolonial was built was that there should be an unbroken gauge between New York and Halifax.

Hon. Mr. HOWE said the Government went into the question at first with the greatest possible care, and they found that the Grand Trunk Railroad was in no position to change their gauge, and of course the House would not sanction any assistance to them for that purpose. A change now would invoke a great expenditure and would be most inconvenient.

Mr. CHITMAN would vote against the proposition because a change would involve an increased expenditure, and would delay the completion of the road, while the rails in connection were on the broad gauge principle, and great inconvenience would result if the Intercolonial were on the narrow gauge.

The members were then called in and the motion declared lost on the following division:—yeas 51, nays 88.

YEAS.—Messrs. Bechard, Blake, Bodwell, Bolton, Bowell, Burpee, Cameron [Huron], Carmichael, Cartwright, Cheval, Coupal, Currier, Delorme, [St Hyacinthe], Dorion, Drew, Ferris, Fortier, Fournier, Geoffrion, Godin, Hagar, Jones [Halifax], Kempt, Killam, Macdonald [Middlesex], Mackenzie, Magill, McDougall, Mills, Oliver, Paquet, Pelletier, Pickard, Pozzer, Redford, Ross [Dundas], Ross [Prince Edward] Ross [Wellington, C. R.], Rymal, Scatcherd, Snider, Stirling, Tremblay, Wallace [Albert], Wells, White [Halton], White [East Hastings], Whitehead, Wood, Wright [York, Ontario], Young.—Total yeas, 51.

NAYS.—Messrs. Anglin, Archambeault, Barthe, Beatty, Beaubien, Bellerose, Benoit, Bertrand, Blanchet, Bown, Brousseau, Cameron [Inverness], Carling, Caron, Cartier, [Sir G.], Cayley, Chauvean, Chipman, Climon, Coffin, Colby, Costigan, Cumberland, Daoust, DeCosmos, Dobbie, Forbes, Fortier, Gaucher, Gaudet, Gendron, Gibbs, Grant, Grover, Heath, Hinks [Sir F.], Houghton, Howe, Hon. G. Irvine, Jackson, Jones [Leeds and Grenville], Keeler, Lacerte, Langevin, Hon. H., Langlois, Lapum, Little, Sir J. A. Macdonald, Masson [Soulanges], Masson [Terrebonne], McDougall [Three Rivers], McKeazhney, Merritt, Moffatt, Morris, Hon. H., Morrison [Niagara], Munro, Nathan, Nelson, O'Connor, Percy, Pinsonneault, Pope, Hon. J., Pouliot, Ray, Renaud, Robitaille, Ross [Champlain], Ross [Victoria, N. S.], Ryan [Kings, N. B.], Ryan [Montreal], Shanly, Simard, Smith [Westmoreland], Spratt, Stephenson, Street, Sylvian, Thompson, Tilley, Hon. Mr., Tourangeau, Tupper, Hon. Dr., Wallace [Van-couver Island], Walsh, Webb, Wilson, Workman, Wright [Ottawa Co.].—Total nays, 88.

GENERAL ELECTIONS.

Hon. Mr. BLAKE moved the second

reading of the bill to provide for holding elections at any general election on one and the same day. He said the principle involved was not a new one, but had been considered by the House last session, when it was rejected by a narrow majority in a thin House. He hoped that a further consideration would lead the House to the conclusion that the bill would accomplish the object for which general elections were held, namely, that the sense of the people might be taken in the freest manner, as to the choice of their representatives, and who should control the affairs of the country. There could be no doubt that holding elections on the same day was conducive to a free choice. The principle was already adopted in Nova Scotia and Ontario, and as the representatives of those Provinces formed a large proportion of the House, there was a decided expression of opinion on the subject. The Provinces of British Columbia and Manitoba, and the District of Algoma, were excepted from the operation of the bill, in consideration of the distance and the difficulties of communication, but this was a mere matter of detail and did not affect the principle involved. The question was how could the freedom of the people's choice be best promoted. The present system gave to the Government of the day a very large advantage, and his bill would, therefore, no doubt, be resisted until it was forced upon the Government by the strength of public opinion. He trusted that the attention of the members of the House, and of those who desired to become members, would be attracted to the question, so that if the measure should not now be carried they might return with a clear understanding of the feeling of the country. There were many electors who were so undefined in party politics that they were generally inclined to vote on the winning side, and it was well known that great evils resulted from the system of two days' polling, for every one who had run an election knew that the most strenuous efforts were made to poll votes early in the day, and it was a known saying that "a vote before twelve was worth two after." If all elections were held on one and the same day, the people would have a much better chance than now of freely expressing their will, and the Government of the day would be deprived of the advantages they now possessed.

Hon. Sir JOHN MACDONALD said the hon. gentleman admitted very candidly in moving the reading that he did not expect that the bill would be carried. He was opposed to the principle of the bill altogether. He thought it was un-British,

Hon. Mr. Blake.

and that it was an obstruction to the great principle which underlay the whole system of the qualification of voters, and an obstruction to the proper exercise of the franchise. At the next Parliament he hoped to discuss this bill and point out to the satisfaction of the House the objections to the principles of the bill; but he objected to it now because it ought not to be introduced this session. The matter was settled last session for the express purpose of regulating the elections, and on that account he should oppose this and every other attempt to change the law regulating the ensuing elections. He moved that the bill be not now read a second time, but that it be read a second time six months hence.

Mr. MILLS thought the desire to secure freedom of election was sufficient support for the bill, so that the Government should have no undue advantage. If the argument of the First Minister was correct, no two elections should take place on the same day, because the right of a voter in two districts would be interfered with. The hon. gentleman had recognized a different state of things in Canada from that in England in accepting the principle of the representation by population.

Hon. Mr. BLAKE said the only reasons for there being no argument was that there was no argument against the bill. As to the question of the matter being altogether settled last year, the hon. gentleman must have forgotten that he himself was to bring in a measure as to the elections in British Columbia and Manitoba. The next proposition was that it was un-British. It was hard to know what was un-British to-day, and the phrase to-morrow had no meaning. The hon. gentleman objected that double votes could not be given. How many double votes were there? It was known that they were a mere drop in the bucket. They did not pretend to put forth perfect laws; but the objection as to double votes was without weight. Looking to the freedom of expression of the people, the bill ought to be read a second time.

The members were called in, and the motion that the bill be read a second time this day six months, was carried on the following division:—Yeas, 81; nays, 51.

YEAS.—Messrs. Archambeault, Beaty, Beaubien, Bellerose, Benoit, Bertrand, Blanchette, Bown, Brusseau, Cameron [Inverness], Carling, Caron, Cartier [Sir George], Cayley, Chauveau, Cimon, Colby, Costigan, Cumberland, Currier, Daoust, DeCosmos, Drew, Fortin, Gaucher, Gaudet, Gendron, Gibbs, Gray, Grover, Heath, Howe, Irvine, Jackson, Keeler, Killam, Kirkpatrick, Lacerte, Langevin, Langlois, Lapum, Little, Macdonald, Sir John A. Macdonald [Lunenburg], McDonald [Middlesex], Masson [Soulanges],

Masson [Terrebonne], McKeagney, Merritt, Moffatt, Morris, Morrison [Niagara], Munroe, Nathan, Nelson, O'Connor, Perry, Picard, Pincsonneault, Pope, Pouliot, Renaud Robitaille, Ross [Champlain], Shanly, Simard, Smith [Selkirk], Sprout, Stephenson, Street, Sylvain, Thompson [Cariboo], Tilley, Tourangeau, Tupper, Wallace [Vancouver Island], Walsh, Webb, Wilson. Total—81.

NAYS.—Messrs. Anglin, Barthe, Bechard, Blake, Bodwell, Bourassa, Burpee, Cameron [Huron], Carmichael, Cheval, Coffin, Coupal, Delorme [St. Hyacinthe], Dorion, Ferris, Forbes, Fortier, Fournier, Geoffrion, Godin, Hagar, Joly, Jones [Halifax], Jones [Leeds and Grenville], Mackenzie, Magill, McDougall [Renfrew], Mills, Oliver, Paquet, Pelletier, Pickard, Pozer, Ray, Redford, Ross [Dundas], Ross [Prince Edward], Ross [Victoria, N. S.], Ross [Wellington, C. R.], Rymal, Scatcherd, Smith [Westmoreland], Snider, Sirtout, Tiemblay, Wallace [Albert], Wells, Whitehead, Wood, Workman, Wright [York, W. R.], Young. Total—51.

THE SENATE.

Hon. Mr. BLAKE moved the second reading of the bill securing the independence of the Senate. He said that he had proposed a measure of this kind last session, but the vote then taken was not a true test of the opinion of the House upon it. When he proposed that measure, he had endeavoured to point out that it was of extreme importance to this House that some step should be taken in the direction he suggested. The constitution of the Senate was not very satisfactory, and the dissatisfaction regarding it was, he thought, increasing but those who discussed that question a while ago upon the motion of the hon. member for Bodwell had pointed out some of the difficulties in the way of changing the present constitution of that body. It did appear to him (Mr. Blake) that all the arguments that applied to the necessity of preserving the independence of the House of Commons, applied *a fortiori*, to the Senate. That body was not like the Commons, subject to an expression of the will of the people at fixed intervals. If in the absence of a law regulating the independence of this House, any member should accept an office of emolument under the Crown, his constituents, when a dissolution took place, would have an opportunity of rejecting him if they thought he had placed himself in a position incompatible with the proper discharge of the duties he owed to them. That security, however, had been found inadequate and by consequence, knowing their weakness and liability to err, knowing the difficulties that would arise from the absence of a more stringent law, the members of this House had passed a law recognizing the propriety of the seat of any member being at once vacated who should place himself in the position of accepting an office of emolument. The Ministers,

when they secured that law, thought it would sufficiently secure the independence of this House; but there had occurred, as there would occur whenever a breach of a well understood rule took place, a shocking example to the country, and his hon. friend, the member from St. John, was that example. (Laughter.) That example was so shocking indeed that Ministers themselves in passing the Act, to which he had referred, promised last session to bring down a bill by which they acknowledged that it was necessary to protect hon. members against the seductions of the Government, by making Ministers incapable of seducing, and by placing the law in a much more rigid state; and the House acknowledged its imperfections, acknowledged its liability, acknowledged the propriety of removing all chance of seductions, by passing the bill unanimously. That was the state of the law now with reference to the Commons; but with reference to the Senate, which had been established to a certain extent upon the representative principle with reference to the various provinces of the Dominion; which was managed upon the theory that there was a certain number of Senators to be chosen from each province in order that the interests of each province might be protected, which was constituted, so far as the Province of Quebec was concerned, upon a theory which still further recognized the principle of representation, the Senate which occupied the important place theoretically in our constitution, which was responsible to the people and the country, but which was chosen by the Crown and members of which being appointed for life were not subject to be punished by dismissal as the members of the Commons were, had no protection for the independence in the same way that this House was protected. The law so stood that a man who would not be allowed to take a seat in this House, or retain it while in the pay of the Government might be sent to the Senate, and this was a flaw in the Constitution which would allow Ministers to reward men who served them in the Commons by giving them offices of emolument and seats in the other branch of the Legislature if they were unable to convince their constituents that their acceptance of office was in the interests of the public. He mentioned the case of one member of the House who had been so appointed and who, being a Senator, still drew pay from the Government, and he thought that practices of this kind cast a stigma upon the Senate to which it ought not to be subjected. He submitted, therefore, that a case had been

made out by the action of the Government which entitled the House to say that this was an evil that ought to be redressed.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had correctly stated that the Senators were responsible to the country and to the people. They were individually and collectively responsible, as was every man that held a position which imposed public duties upon him, but they were responsible in precisely the same way and to the same degree that the House of Lords was responsible to the people of England. The only difference between the House of Peers in England and the House of Peers in Canada, for the latter was also a House of Peers, was that in England the Peers transmitted their honors and their responsibilities to their children, whereas ours did not, but as long as a peer lived his duties were precisely similar to those of a Senator in Canada, neither more nor less, and he (Sir John) ventured to say that the doctrine the hon. gentleman had laid down in his attack upon the Senate were, to repeat what he had formerly stated, un-British, as well as un-called for. The hon. gentleman had said that great progress was making in England, and that what was British one day might be un-British next. Well it was not at all impossible that within the life time of the hon. member the same principle would be adopted in England that now prevailed in Canada, and that the peerage instead of being hereditary would be made a peerage for life. In that case the position of the Senate and the House of Lords would be precisely the same.

Hon. Mr. BLAKE—No.

Hon. Sir J. A. MACDONALD—The hon. gentleman had said "no," because he (Sir John) presumed that the representative principle was to a certain extent acknowledged in those clauses of the British North American Act which constituted the Senate. He would ask, however, whether that principle was not acknowledged also in the House of Lords, in regard to the Irish and Scotch Peers; and in fact whether the three great divisions of the United Kingdom were not as much represented in the House of Lords as the Provinces of Canada were represented in the Senate. The theory of our Constitution was this, that while this House was composed of men emanating directly from the people, representing the people, acting as the people, and forming the substitutes of the people; the other branch, the intermediate branch of the Legislature, neither emanated directly from the people, nor was responsible to them, nor was obliged to return to them for approval of

their actions. The Senate stood in the same way as the House of Lords, between the Crown on the one hand and the Commons on the other. What would be said in England if it was proposed that the peerage should be deprived of any participation in the public service, except in the cases of the two, three, or four lords who held seats in the Cabinet? (Hear, hear.) Why, in 1841, when the old provinces of Canada were united, the new administration commenced under Lord Sydenham, who was promoted to the peerage for his services as Governor, and who, while a peer, continued to perform his duties as Governor General of Canada, drawing a salary for the office. He was succeeded by Lord Metcalfe, who earned his peerage by a long period of service under the Imperial Government, and as an officer of that Government did not end because he was made a peer. Was the peerage an unmeaning honour? Did it simply give a man the right to walk down the street, take his place at Mr. Stephens', and wear a coronet? Why the rank would be spurned if there were any such bar placed upon the usefulness of those upon whom it was conferred. Here we found that the gentleman who now administered the Government in this country had recently been made a member of the House of Lords. Was it to be supposed that he was unfitted to perform his duties as Governor General because he had been made a peer; and his successor, whose arrival was expected next month, was he not also a peer, but had that fact been regarded as preventing him from being employed in a position where he could be of public service? Again, had not the immediate predecessor of Lord Lisgar—Lord Monck—been made a peer because of the great work he had performed in Canada? And was he not at this very moment a salaried officer of the Imperial Government as one of the Commissioners of the Irish Church? He (Sir John) might refer to many others—to Lord Clyde, to Lord Lawrence, and numerous others who adorned the House of Lords—who were recipients of the honors of the Crown, and who yet held offices of emolument conferred upon by the Government; men who had won their honors in war or diplomacy, in colonial or political service, and who continued to perform the duties they had formerly performed, and for which they were paid, while they still held seats in the house of Lords. Was it to be said then that members of our House of Lords should be debarred from rendering useful service to the country? Was not their position precisely the same?

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Hon. Mr. BLAKE—No. (Opposition cries of "no, no.")

Hon. Sir J. A. MACDONALD defied the hon. gentlemen to show there was any difference between them. The hon. gentleman could draw no distinction? Why should not the Senate be placed in this respect in as good a position as the House of Lords? Had there been any abuse of the power of appointing Senators to offices of trust and emolument? If a large number had been so appointed there might be a practical evil for the hon. gentleman to endeavour to redress; but the evil must first exist before a necessary could arise for reform. (Hear, hear.) He would ask the hon. gentleman even if any such evil existed in the remotest degree, why not leave to the Senate the obligation and duty of purifying itself? This House had not asked the Senate to originate any measure for the purpose of preventing any member of the House from holding office under the Crown, and he would venture to say that the House would look with great disfavour upon any measure which might be sent from that body ordering the House to change its system in that respect. (Hear, hear.) Why, then, should the House interfere with what was the duty of the Senate itself? There was no occasion for any such action, for the Senate was as pure, as independent, and as responsible a body as this House, and without any proof whatever that that body was unable to purify itself, if it needed purification; it was a wanton and causeless insult to the Senate to force a measure upon it which was founded upon mere theory, and which was no basis of wrong to justify it as necessary. (Cheers.) He wondered what reception the hon. gentleman thought this bill would receive at the hands of Senators, if it should pass this House and go there for their approval. Would it not elicit the strongest rebuke upon those who insulted them; and would not that rebuke be joined in by all without reference to party? (Hear, hear.) It would be far better, and might be of some public service, while it would certainly not embitter the relations between the two Houses, if the hon. gentleman instead of making undeserved attacks upon the Senate, would confine his speeches and his efforts to the cure of corruption where it really existed. Let the hon. gentleman devote himself to that, in future. If he should see Government agents, men employed by ministers and paid out of the public funds, sent through the country to bribe constituencies, let him set to work to cure that. (Cheers.) There was an opportunity for him to cure

corruption. Let him go to the township of Broughton—or rather, "Proton" was it not called, (laughter)—and see whether he would find there a Government official who had first been closeted with ministers, and then following up that closet into interview, who was going round from door to door among the people, and telling them that if they voted so-and-so the reduced valuation of their farms would be allowed. (Cheers and laughter.) Let the hon. gentleman confine his attention to shameless examples of corruption of that kind, and he would probably be able to do some good, for he must know that the transaction to which he (Sir John) alluded had cast a stain upon and become a disgrace to the party of which the hon. gentleman was an honoured member, and all those hon. gentlemen who felt with the hon. member that there should be an absence of corruption, that there should be a purification of the representative system, should take care before they became solicitous about the purity of the elected, not to make any attacks upon the purity of the electors. These were practical evils which this House knew or had heard of, and in dealing with them the hon. gentleman would have the cheerful assistance of every member on that side, who would help him and wish him God speed in all his efforts to put down corruption of that kind. In the meantime he would do well to leave the purification of the Senate to the Senate itself. The Senators needed no efforts of the hon. gentleman on their behalf. They were as pure a body, taking them man for man, they bore as high a character, their standing was as exalted, their independence as unquestionable, as any similar body in the world; and there was no branch of any legislature with which they would not bear favorable comparison. This attempt to introduce purity in theory, while there was so much evil to be corrected by the hon. gentlemen nearer home, would prove as nugatory as he might say it was audacious and insulting. (Loud cheers.) He (Sir John) moved that the bill be read a second time that day six months.

Hon. Mr. MACKENZIE said that when the hon. gentleman failed in argument he resorted to slander. The statement he had referred to was an abominable falsehood, and the hon. gentleman knew it was not correct. (Laughter.) No Peer in England had been appointed to any analogous position to that to which the senator had been appointed; neither was the House of Lords at all an analogous body to the Senate. As to the Commons originating a bill respecting the Senate, it was

quite in keeping with practice that such should be done, and it was necessary that such should be the case. In 1842-'43 the Lower House originated a measure entirely changing the Constitution of the Upper House. The hon. gentleman had transgressed his own rule in defending the Senate, for could not the Senate defend themselves. (Laughter.) The question was whether the Government could send their placemen to the Senate, when they could not keep them in the Lower House. The Intercolonial Act never contemplated that Commissioners should 'sit in the Senate, and the door should be shut against such appointments. The argument that in England placemen could hold seats was not correct, and then if it were it was not to govern them. Prevention was better than cure, and they were not to wait for evils before providing against them.

Hon. Mr. HOWE referred to the Senator in question as a man of the most incorruptible integrity, and he mentioned cases in England where persons had held Government positions, and asked whether the country should be deprived of the services of a gentleman simply because he sat in the Senate.

Mr. JONES (Leeds) said the position in England was very different from that in Canada. Formerly there were numbers of office holders in the House of Parliament, but they had been and were being diminished. The feeling throughout Ontario was that placemen should sit neither in the Senate or the Commons. He should vote for the bill.

Mr. FERGUSON said if he had any proof of corruption the matter would be different, but such was not the case. The member for Lambton had taken the Minister of Justice to task with respect to some expressions respecting the purity or impurity of the Ontario Government, and with reference to the matter referred to, had stated that no letters were written. He could say, with reference to the Proton outrage—and there never was a greater outrage on the rights of man—it was attempted and performed by the Government of Ontario. There was no shadow of doubt that Mr. Lewis, who he knew well, was telegraphed for by a member of the House to go to Proton to carry the votes against the consciences and principles of the voters. Instead of his going, however, to Mr. McKellar's room in the dead of the night, Mr. Lewis himself told him that Mr. McKellar went to him. He then referred to a note from the member for West Durham to the member for Brant.

Mr. E. B. WOOD said there was not a word of truth in the matter,

Mr. FERGUSON said it was no use contradicting him, because the member for West Durham wrote to the member for Brant. "Speak now." There was never more corruption practiced in so short a time than by that Government.

Mr. MILLS desired to show the difference between the Senate and the House of Lords. The difference in the social circumstances of the members of the two Houses destroyed all analogy between them. There was no analogy in the social positions of a nobleman worth say from £50,000 to £100,000 a year in the House of Peers of England, and a gentleman to whom it was a matter of consequence to go up to the Senate.

Hon. Mr. BLAKE replied. He was responsible for the position he had taken with reference to this matter, repugnant as it had been to his feelings to hear the accusations made against him. If it was expedient, he could bring cases of Ministerial interference, and could show how gentlemen had in numerous cases prostituted their position by interfering in local elections and otherwise. He referred to the case last year brought against the President of the Council, and said that he at all events acknowledged that a Senator, in his opinion, could be corrupted.

Hon. Dr. TUPPER said that after the undeserved attack made upon him by the member for West Durham, he hoped the House would listen to a few observations in reply. He then referred to the circumstances of the case in question, stating the full details of the affair, and asking the House whether in all this there was anything that justified the member for Lambton, in his zeal for party, attempting to strike down a gentleman to whom he could have no possible objection, except that he had come forward with straightforward and hearty support in building up Confederation. That was his crime; because he felt it his duty to give his public services in sustaining gentlemen on that side of the House who had remained true to the great principle of building up the Confederation, he became the object of this unprovoked and undeserved attack. He had stood as a public man for seventeen years. He had stood front to front with as fierce an opposition as ever a public man faced in the world; and if, in the seventeen years, it could be shown that he had ever prostituted his public position for his own advantage, and if he had ever forgotten what was due to his position as a public man, it would require no vote of the House to induce him to retire into private life. He challenged his opposers to substantiate their

Hon. Mr. Mackenzie.

slanders. It seemed that the men now holding the position of leaders of the Government of Ontario, who had stood up for four long years, pledging themselves to the principle of striking down Coalitions and building up pure party Governments, when they saw a chance of grasping office and position, and the question presented itself whether they should stand true to their principles and forego office, found the temptation too strong, and grasped office at the sacrifice of every principle they had held most dear. These gentlemen claimed the position of purists. Where did they get the idea that every one else was corrupt? The result showed that it came from their own black hearts. When the temptation came, and when they seized power that the people of Ontario licensed them at the polls, and when the question arose how the power which they had obtained by staining their reputation, and showing that all their past professions were utterly worthless, should be maintained, what did they do? They committed those acts to which the First Minister referred, and which had made them and their party a scandal throughout the Dominion. (Cheers.) It was known to the remotest end of the country that when a vacant seat had to be filled, the member for West Durham got his partner, his relative, and the man who was in his confidence, to lend himself to one of the foulest and blackest acts of corruption that ever stained the reputation of a public man. (Loud cheers.) The member for Lambton had dared to call the statement of this transaction an "abominable falsehood." He would ask him to read the report of his own packed committee in the columns of the *Globe*, and blacker and more damning evidence of corruption could not be found in any record in the world; and the member for Durham was implicated as closely as possible. It was proved most clearly by evidence that they had broken down the administration by overtures of the most corrupt and disgraceful character to members of that administration, and the member for West Durham could only save himself from a report damning and ruinous to his character as a public man, by packing the committee, and ultimately when one member had to leave, stating that he would consider it a vote of want of confidence if a certain gentleman was put on a committee. Those were the measures to which the hon. gentleman had to resort to save himself and his Government from a report of his own party, fastening upon him, as in the case of the Proton scandal, one of the most disgraceful proceedings

possible; and these were the gentlemen who undertook to purify the Senate, and to assail the reputation of a body of men who were as deserving of the confidence and support of the country as anybody in the world. These were the gentlemen who, in order to draw away attention from acts which had struck them down from the position they occupied a year ago, and which had blasted their characters, and utterly ruined them in the estimation of every honorable man in the country, came down to the House with a measure respecting the purest body of men in the country. He believed they misjudged Ontario, for he knew enough of the people of that Province to feel assured that they, in common with the people of the rest of the Dominion, from the Atlantic to the Pacific, would know how to estimate their professions when contrasted with their acts. He apologized for having detained the House so long; but he was sure that under the circumstances, the House would feel that, having been arraigned by the member for Lambton, and having been tried at the bar of the House, and having received a verdict that the charge was unmanly and undeserved, he had a right to speak. The member for West Durham must have felt that his case was weak indeed, when he had to assail a gentleman whose only crime was that, in a great crisis of his country, he had come forward and thrown himself into the great work of building up a magnificent Province. (Loud cheers.)

Mr. BLAKE desired to say that the statements of the President of the Privy Council with regard to himself were absolutely untrue.

A vote was then taken on Sir John Macdonald's motion with the following result, yeas, 77, nays, 51.

YEAS.—Messrs. Archambault, Beaubien, Belle-rose, Benoit, Bertrand, Blanchet, Bown, Brouseau, Cameron (Inverness), Carling, Caron, Cartier, Sir G. E., Cayley, Chauveau, Chipman, Cimon, Coffin, Colby, Costigan, Cumberland, Daoust, Dobbie, Drew, Ferguson, Fortin, Gaucher, Gaudet, Gendron, Gray, Grover, Houghton, Howe, Irvine, Jackson, Keeler, Killam, Kirkpatrick, Lacerte, Langevin, Langlois, Lapum, Macdonald, Sir J. A., McDonald (Lunenbourg), McDonald (Middlesex), Masson, (Soulanges), Masson (Terrebonne), McKeagney, Moffatt, Morris, Morrison (Niagara), Nathan, Nelson, O'Connor, Perry, Pinsonneault, Pope, Pouliot, Renaud, Robitaille, Ross (Champlain), Ross (Victoria, N. S.), Ryan, (Kings, N. B.), Ryan (Montreal West), Savary, Simard, Sprout, Stephenson, Street, Sylva, Thompson [Cariboo], Tilley, Tourangeau, Tupper, Wallace [Vancouver's Island], Walsh, Webb, Willson.—Total yeas, 77.

NAYS.—Messrs. Anglin, Barthe, Bechard, Blake, Bodwell, Bourassa, Bowell, Cameron, (Huron), Carmichael, Cheval, Coupal, DeLorme (St. Hyacinthe), Dorion, Ferris, Fortier, Fournier, Geclion, Gibbs, Godin, Hagar, Jones (Halifax), Jones (Leeds and Grenville), MacFarlane, Mackenzie, McGill, McDougall [Renfrew], Merritt, Mills, Munroe,

Oliver, Paquet, Pelletier, Pickard, Pozer, Redford, Ross [Prince Edward], Ross [Wellington, C. R.], Rymal, Scatcherd, Smith (Westmoreland), Snider, Stirton, Tremblay, Wallace (Albert), Wells, White [East Hastings], Whitehead, Wood, Workman, Wright (York, Ont'), Young. Total nays, 51.

The House adjourned at one o'clock.

SENATE.

Thursday, May 23rd, 1872.

The SPEAKER took the chair at 3 p. m.

THE INSOLVENCY LAWS.

The House then resumed the adjourned Debate on the Hon. Mr. MACFARLANE'S amendment, to the Hon. Mr. SANBORN'S motion, for the second reading of Insolvency Laws Repeal Bill, viz: to leave out "now" and insert "this day three months."

Hon. Mr. CAMPBELL read a telegram from Montreal stating that a deputation was on its way on behalf of the Board of Trade of that city, to ask the Senate to reject the Bill for the repeal of the Insolvency Laws; and adding that the Toronto Board of Trade concurred in the opinion that it was advisable to continue the present law until amended.

Hon. Mr. LETELLIER DEST. JUST replied at some length to the arguments used by Hon. Mr. Tessier against the Bill for repealing the law. He acknowledged that there were difficulties in dealing with the best course to pursue, but he was nevertheless of the belief that the sentiment of the great majority of the people was in favor of striking off the statute book a law which worked so unequally and so injuriously to the commercial interests of the Dominion. He alluded to the tendency it had to encourage commercial immorality among the community, and to benefit the debtor at the expense of his creditors—a principle not encouraged in any bankrupt system anywhere. He wished to see a check imposed on dishonest bankruptcy, instead of allowing it to be actually fostered by an imperfect law. The country was now in a very prosperous state and could dispense with a law which only stimulated a large class of reckless speculators and dishonest traders. He did not deny that there was a certain condition of things when a bankruptcy law might be necessary; for instance when a monetary crisis arose and persons found themselves suddenly embarrassed and unable to go on with their business; but there was no appearance now of such a contingency, and he thought it was the

wisest policy to repeal the law, and take steps to form a new one hereafter in case it should be deemed necessary to do so in the public interests.

Hon. Mr. DICKEY said that he had noticed that the debate had evolved some curious features. Not one gentleman who had spoken in opposition to the Bill had ventured to say one word in favour of the Insolvency Law which the House was asked to repeal. All were in favour of a bankrupt law of some sort, but no one attempted to defend the provisions of the one now in operation. In the factious speech from his hon. friend from British Columbia, who had rather tried to amuse than convince the House, he had stated that the Bill was promoted and supported by lawyers. He (Mr. Dickey) believed that members of that profession were as fully entitled to hold and express their opinions on the question as the members of any other learned profession. When hon. members discussed a question in the House they did not do so as lawyers simply, though they would naturally give the benefit of their legal and constitutional lore. It could be said with truth at the present moment that all the great interests of the country were represented in the Senate—Banking, Commerce, Agriculture; and after the humorous speech of his hon. friend opposite, he must add Medicine. He might be excused for saying that the Senate was a body, as the debate had fully shown, as fully capable of discussing a measure like the one under consideration as any other deliberative assembly in any part of the world. It had struck him as a curious anomaly, that whilst the Maritime Provinces had complained that the law had been forced upon them by Ontario and Quebec, those two great provinces were now asking for its repeal, whilst New Brunswick and Nova Scotia supported it. He remembered the time when the law was considered one of the acts of tyranny which his unfortunate Province was obliged to bear as one of the consequences of union. Now, how was he to account for the change of opinion in Ontario and Quebec within three short years. He considered he was warranted in referring to the proceedings in 1869, when every amendment was rejected by large majorities, and deducing the conclusion that the popular objections to the measure must have arisen from its imperfections. (Hear, hear.) It must be admitted that great difficulty had always been found in dealing with the question. It was only necessary to refer to the history of legislation on the subject to see that there is an inherent difficulty connect-

Hon. Mr. Campbell.

ed with legislation on the question. The very number of bills that had been enacted, amended and repealed since its first legislation in England was a proof of the perplexity and embarrassment that met all those who had endeavoured to frame a satisfactory law. The regulations that had been made only served to evade the difficulties instead of grappling with them boldly and plainly. His hon. friend opposite (Hon. Mr. Wilmot) had said with reference to the old law of New Brunswick that so unjust were its provisions that he knew a case of an old man who had remained in jail at St. John for the whole of his life. He was bound to say that there must be some mistake about that matter; the person in question could not have given an honest statement of his affairs. He contended that under the law of New Brunswick, of which he had some professional experience, it was not in the power of any man to keep a debtor in jail when he gave an honest account of his property. They had also an Insolvent law in Nova Scotia under which a man who had been guilty of fraud or dishonesty, might be remanded for a term not exceeding one year; and at the expiration of that period he was entitled to his discharge. They had still the law of imprisonment for debt, but it was a qualified law. The debtor could not be arrested under first process, until it had been shown to the satisfaction of a Judge or Commissioner that he was about to leave the country for the purpose of evading his liabilities. He could well understand that in the large commercial centres, like Halifax and St. John, there might be particular reasons why the merchants and bankers might desire to retain the law; but he was speaking generally of the country districts, and was bound to say that its working has not been satisfactory so far as it had come within his own knowledge either in the mode of its administration or the effect of its operation. He knew a case of a railway contractor who owed a large sum to a great many persons—debts varying from one hundred dollars upwards—and by some mysterious process, some one, not one of the creditors in question, put him into the Bankruptcy Court in Cumberland County; and the result was an attachment which swept away the whole of his property and those debts remain unpaid up to the present time. He might be told that a meeting of the creditors could be called, but had they done so they would in all probability have been met by an overwhelming number of claimants, hundreds of miles distant, who would out-vote them. Practically it was in

the power of any person and his friends to prevent those poor men from taking any steps to obtain payment for their honest claims. He was very much afraid that such a law could never carry out the real object which it was intended to accomplish—an equal division among all the creditors. It had passed into a proverb in the United States that a man can never get rich until he has failed several times—such was the effect of the present law in practice. It had been said that one of the guiding principles of a bankruptcy law should be to enable an unfortunate debtor to get relieved. He believed the present law could only lead to rash speculation, to a species of gambling. The debtor was enabled to say to his creditor “Heads I win, tails you lose,” because if he succeeded he pocketed the gains; if he lost he went scot free. It did not accomplish the object of a proper division of the property; it served rather to enable the debtor to get relieved of his debts in the easiest way possible with very little reference to the interests of the creditor. The bill before the House proposed to repeal the existing laws, but it went still further, it prevented the revival of those laws which were heretofore in force in the different provinces. If it were to pass it would leave Nova Scotia without any Insolvency Law at all as regards traders. Whilst there was imprisonment for debt in that Province, it would be in the power of an exacting creditor to put a man into jail and keep him there should the law pass in its present form. Therefore he was not willing to see the bill pass without amendment; he would consent to its second reading, and then he would propose in committee either that Nova Scotia should be exempt, or that the laws repealed by the Bankrupt Law of 1869 shall be revived. Although the law would expire in the course of fifteen months, yet it was best to repeal it at a time when probably more people than ever before would hasten to avail themselves of its provisions. When it died a natural death it would certainly be “unwept, unhonoured and unsung.”

Hon. Mr. McCLELAN said that he had no very strong opinions on the subject one way or the other. He found, however, that petitions had been sent from Montreal, Toronto, Quebec, St. John and Halifax—the great commercial centres of the Dominion—against any interference with the law now on the statute book. The hon. member for Cumberland had stated that he was not accustomed to practise in the Bankruptcy Court, and certainly had he greater experience of the

working of the law he would hardly have said so much against it. He (Mr. McL.) had some experience of the statute, and, indeed had lost a considerable sum of money by a person who had availed himself of its provisions, but still he had felt it was an honourable discharge and he ought not to oppose it; for he was of the opinion that any man who pursued his business in a proper way, and failed through misfortune, ought not to be kept under the control of creditors who may be very exacting and harsh, if not rapacious. Under all the circumstances he believed a bankruptcy law was necessary to a country engaged in commerce. The only difficulty had been to frame such a law as will meet the interests and necessities of the country. With respect to New Brunswick, he mentioned that the laws formerly passed there had been enacted for the most part to meet cases of great individual hardship, and they were hardly intended to have a general application. One objection taken to the Insolvency Act was the large expense it entailed—that the charges were really so excessive that the property was largely depreciated before the creditors got anything, and that, on the whole, the Assignees were the parties chiefly benefitted; but that had not been his experience. It appeared to him that the costs attending a bankruptcy case, are a fair subject for examination by the judge who gives the final discharge; and if they were excessive there was a mode of reducing them to a proper limit. Any result, however, was better than the accumulation of law suits that would probably arise were we to go back to the old state of things. He felt he would be hardly doing his duty were he to give his vote in favor of repealing the law, at the present time. As respects the remark made by the hon. member for the Wellington Division, with regard to preferential assignments, he must say that it appeared strange to him that a stipulation bearing on that subject had not been incorporated into our law; and if the hon. gentleman would set to work to prepare something which would guard the creditors from his difficulty he would find a large support. In fact, that hon. member would probably find himself, before he was done, re-enacting an Insolvency Law or something which would have the effect of conferring those benefits on the commercial community, which there was little doubt the present enactment failed to confer.

Hon. Mr. NORTHUP said that he thought it his duty as the only representative of the city of Halifax in the Senate,

to make a few observations with reference to the measure under consideration. He must confess at the outset that they had received the measure in Nova Scotia under protest. One of the strongest arguments now in its favor was the fact that all the leading merchants, who made up the Chamber of Commerce of Halifax, had unanimously asked that the Act should not be repealed. As respects the rural districts of the province he had not heard any valid objections to its continuance on the statute book. He was ready to admit that it might be amended in several essential particulars—for instance that no person should be allowed to put himself into insolvency. The old law of Nova Scotia was in many respects a harsh one—a person doing business could buy £500 of property, and a few days afterwards could hand it over to some friend, and the rest of the creditors could not get a cent. He did not wish to go back to the old condition of things which was injurious to the best interests of the whole commercial community. Those who were engaged in large business had to a great extent the power of preventing rash speculation by exercising more discrimination with respect to those who wish to buy from them. In his opinion it would not be wise to wait until a crisis was anticipated, to pass a Bankruptcy Law; it would only tend to hasten the very crisis which it was intended to meet. He was quite willing to benefit the honest debtor, and give him every opportunity of restoring his fortunes. He had known not a few cases of men who had failed and afterwards became benefactors of their country. Holding these opinions he must vote against the Bill which had been brought so ably to the consideration of the Senate by the hon. gentleman opposite. He did not believe in breaking down the law before we had something better to put in its place.

Hon. Mr. KAULBACK said that he had no hesitation whatever in saying that the present Insolvency Act did not tend to the benefit of the creditor as it ought to be the case. Its whole object was to give relief to the Insolvents and to facilitate their release from their obligations. From his own knowledge as a professional man he considered the law has a tendency to demoralize honest traders and work to the advantage of those who are dishonest. He considered it changed the proper relations that should exist between debtor and creditor, giving the former a very decided advantage over the latter. Numerous law suits had arisen, he could say from experience, from the results of a measure

Mr. Dickey.

which] was so imperfect in its details. The effect of the law was to draw men into bankruptcy and create recklessness in the way of conducting business—in fact demoralize the whole community. The *Gazette* was now full of notices of assignments, and not one of them at the instance of the creditor, for when a man failed the creditor knew it was no use for him to move in the matter. If there was any part of the Dominion more prosperous than another it was the Province of Nova Scotia, and he hoped this law would be repealed and not allowed to continue on the statute book to the injury of the commercial interests and the commercial morality of the country. He believed if the present Bill was allowed to pass, the result would be to bring about the introduction of another law which would remedy existing evils and promote the commercial progress of the Dominion.

Hon. Mr. REESOR said that one reason of the difficulty of legislating on the question was the fact that there was little experience as to the proper mode of dealing with it at the time the present law was enacted. When the law was passed, it occupied the attention of the best legal minds, and subsequently the same legal talent was required to amend it. The fact appeared to be that while the law was very good in theory, it had failed in practice. The general expression from all parts of the country, in his opinion, was in favour of repealing the law. He believed that it was a very difficult matter to deal with bankrupt laws. In his opinion, the best course was to provide as simple machinery as possible by which the division of the property should be made. The present law had been proved on experience to be inadequate to meet the difficulties, and now the evils were just as great as they were before its enactment. Under those circumstances he was of the opinion that if the House repealed the present law, the country will be prepared to sustain some measure which will be more just and equitable in its operation and conduce to the advantage of the business community.

Hon. Mr. HOLMES hoped that the House would after so lengthy a debate come to some conclusion on the subject. In his opinion it was better to leave the matter alone, inasmuch as the law died so soon.

The House then divided on Mr. Macfarlane's amendment which was carried. Contents 35; non-contents 24.

The Public Lands Bill was then read a third time and sent to the Commons. A

number of bills were also read a second time.

The House then adjourned until Monday evening.

HOUSE OF COMMONS.

OTTAWA, Thursday, May 23rd, 1872.

The SPEAKER took the chair at 3.25.

BILLS INTRODUCED.

Hon. Mr. TILLEY introduced a bill to incorporate the St. John Board of Trade. The bill was read a first time.

Mr. RYAN (Montreal) introduced a bill to incorporate the Canada Improvement Company. Read a first time.

Mr. O'CONNOR introduced a bill to incorporate the North West Company. Read a first time.

Mr. CARTWRIGHT introduced a bill to incorporate the Lake Superior and Winnipeg Railway Company. Read a first time.

Mr. ABBOT introduced a bill to incorporate the Accident Insurance Company of Canada. Read a first time.

THE WELLAND CANAL.

Mr. LANGEVIN presented the return to the address for copies of the reports, &c., respecting the Welland Canal.

THE LUMBER TRADE.

Mr. McDUGALL (South Renfrew) moved an address for a return showing the tariff of fees under cap. 45, Consolidated Statutes of Canada, now charged to lumbermen for supplying specification, &c. He said that under this statute the Governor-in-Council had power to charge fees on lumbermen for supplying specifications, and had power to allow cullers certain fees for measuring lumber. Changes had been from time to time in the tariff in these fees, and a year ago a change had been made, the exact nature of which he desired should be shown by this return. At the same time he desired to explain to the House his reasons for thinking that this change in the tariff was unnecessary. He quite agreed with the principle that had been laid down that the receipts from the culling of timber should be made to equal the expenditure. He thought, however, that the Government might have reduced the receipts in such a way as to preserve the balance without imposing additional burdens upon the lumbermen. Last year about 20,000,000 cubic feet of lumber had been taken to the Quebec

market, and no less than fifty cullers had been employed to measure it. Now as one culler could measure at least 50,000 feet per day, he would be able in a season of one hundred days to measure 5,000,000 cubic feet, so that four cullers alone would be necessary to measure all the timber that had been taken into Quebec last year, the quantity being one-fourth greater than the usual amount. He was aware that the timber did not enter the market in equal quantities and on every day during the season. At some periods there was a greater run than at others, so that to reduce the staff to four might cause a good deal of delay by measuring and getting our specifications. There was a very great difference, however, between four and fifty, and he thought a medium might be selected which would reduce the expenses and yet preserve the efficiency of the staff. The amount paid last year for the salaries of cullers and specification clerks was \$28,000, giving an average of \$435 to each culler, who under the rotation system, had about four "turns" in the season, occupying him not more than a fortnight altogether. This pay was altogether disproportionate to the services performed and he thought some other system might be devised which would secure the same amount of work at much less cost. He thought that ten cullers would be quite enough to do all that was required in a satisfactory manner: but as he was not in favour of making too great a change at once, he would propose that the number be fixed at twenty. In doing that, he did not think there would be any risk of decreasing the efficiency of the staff. He was also in favour of dispensing with the services of the specification clerks altogether, as he believed that they were quite useless. These changes would effect a great saving and enable the Government to make both ends meet without increasing the tariff of fees payable by the trade, as had been done.

Mr. SIMARD said the present system of employing cullers by rotation was defective. It produced favoritism, and merchants were in the habit of waiting until the turn of the particular men they wished to employ came round. The culling was not always done satisfactory in consequence, and our timber was depreciated in the European market. He favoured the adoption of the ballot with regard to the employment of these men, as a cure for the evil.

Mr. CURRIER agreed with the hon. member for Renfrew. He thought that four or five cullers would be sufficient to do the work at Quebec. He favoured the

abolition of the rotation system and the adoption of a proper system, the cullers to pass a Board of Examiners. He contended that the fees should be reduced one-half, leaving the cullers to take their chance. If they found that they could not make a living, they would go elsewhere. The present system was a great tax on the lumber trade, and he thought that some remedy should be found.

Mr. SIMARD said the plan of allowing merchants to select their own cullers had already been tried and had not been found to be satisfactory.

Mr. CURRIER thought the adoption of the ballot system would not meet the difficulty, as it would neither reduce the fees nor the number of the cullers.

Mr. IRVINE thought the whole system was bad. It was unreasonable, in his opinion, that a merchant who sold to a purchaser who was willing to accept his measurement, should be compelled by law to have timber measured by a Government culler. There should also be some guarantee, if this system was to be continued, of the impartiality of the measurer. The system was all wrong, and there were twice as many cullers of square timber at Quebec as were necessary. He thought the number should be reduced to the actual requirements of the trade.

Hon. Mr. CHAUVEAU did not agree with the last speaker. He defended the system now in force. It was better than any private system could be, and it was to a certain extent a guarantee that the article exported was what it was represented to be. He was in favour of a compulsory inspection.

Mr. IRVINE explained that he had not alluded to the compulsory. He would be satisfied if such a system were adopted.

Mr. TOURANGEAU favoured the reduction of the number of cullers to twenty. The aggregate earnings of the whole to be divided rateably among them.

Hon. Mr. MORRIS said the return asked for would be brought down without delay. The change in the tariff referred to had been made by the Government in January of last year, in consequence of the fact that the charges collected at the supervisor's office in Quebec, were not sufficient to meet the expenses. The increase was a slight one, being simply a reversion to the tariff of 1844, when timber was worth only about one quarter of its value in 1871. The result of making it was that, while in 1869 there had been a deficiency of about \$3,000, there was a surplus last year of \$1,700. The other question to which the hon. member had referred was a larger one, and was surrounded with a

Mr. McDougall.

good deal of difficulty. It was a question as to the continuance of the present and the adoption of the New Brunswick system. The rotation plan had been adopted in order to prevent private dealers selecting particular cullers for measuring their timber. The whole question was now engaging the attention of the Government.

Mr. MACDOUGALL did not think it was advisable to throw the settlement of it over for another year.

Mr. RYAN (Montreal), remarked that the compulsory system of inspection had greatly benefitted the trade in leather and hides. Although the inspection of flour and ashes was not compulsory, it practically amounted to the same thing; for no merchant would deal in those articles if they had not been inspected. The result of the system was to greatly increase the value of the articles, and he thought it might be beneficially extended.

Mr. IRVINE agreed that a proper inspection system gave an additional value to articles inspected. With regard to cullers, the hands of the Minister of Inland Revenue should be strengthened in order to enable him to make a reduction.

Mr. SIMARD said the present mode of measuring lumber had been adopted with the consent of the lumbermen themselves, and if not satisfactory it might easily be altered.

The motion was then adopted.

BAY VERTE CANAL.

Dr. GRANT moved address for a return of reports and estimates relating to Bay Verte Canal. He said the matter was a most important one, as it would be the means of shortening the route and facilitating trade with the West Indies. He had been looking into the matter, and he doubted whether there was a point anywhere in the Dominion presenting such physical peculiarities as that in question. In looking over the reports he found the statements very contradictory, and he desired to obtain from the Government any information they possessed. He did not desire to obstruct the construction, as it was most desirable that, if possible, the canal should be built.

The motion was carried.

INTOXICATING LIQUORS.

Mr. SMITH (Selkirk) moved an address for correspondence respecting the introduction into the North West Territory, by persons not being British subjects, of intoxicating liquors. He referred to the laws of the United States providing against such introduction in their own territory,

and said it was well known that the people of the States were able to trade largely with the Indians in arms and liquors. The Hudson's Bay Company had entirely prohibited such trading. This had operated most beneficially, and British subjects never traded with the Indians in such things, but the Americans did so to a large extent, and the evil might prove very great if something was not done to put a stop to this very unsatisfactory state of things.

Hon. Sir GEORGE CARTIER said the Americans should not enjoy greater privileges than British subjects in trading with the Indians, and as the matter was very important, the papers would at once be brought down. The Government in Council, however, was empowered to regulate this subject, and any representation of the mover would receive all attention at the hands of the Government.

Hon. Mr. MACKENZIE asked what regulations were in force now.

Hon. Sir GEORGE CARTIER said before the union of Manitoba there were regulations made by the Hudson Bay Company, but he did not know their nature. The mover himself, no doubt, knew more about the matter than anyone else.

Hon. Sir FRANCIS HINCKS said he thought the hon. member for Selkirk had more papers than the Government.

Hon. Sir GEORGE CARTIER repeated that any suggestion of the hon member would receive full attention.

The motion was carried.

CLAIMS OF DR. SCHULTZ.

Mr. DELORME (Provencher), moved an address for claims made by John Schultz.

Hon. Sir FRANCIS HINCKS said all the information asked for was already before the Committee of Public Accounts; but, of course, there was no objection to the motion.

Mr. MASSON (Soulanges) said he had in his possession a statement of Mr. Schultz that he had made no claim on account of his imprisonment; but Mr. Johnson's report seemed to show that such was not the case. In fairness to the member, the question should be investigated. He himself had been expatriated, but the Government of England acknowledged themselves wrong and put him at liberty. During that time he had had to pay his own board, and had no redress.

Mr. MASSON (Terrebonne) thought it would be better to let the matter stand until it had been investigated by the Committee on Public Accounts, and until a report was received.

Hon. Sir FRANCIS HINCKS said if the papers were sent down, the usual course

would be to refer them to the Public Accounts Committee; but no papers would be sent down except those not yet submitted to the committee.

Mr. SMITH (Selkirk) hoped all the papers would be produced.

Dr. SCHULTZ said, with reference to what had appeared in the papers, it was a simple denial that he had made a demand for or received compensation for his imprisonment. The claim that was made included all his losses, from business and any other way. He was only too happy that all papers should be produced.

The motion was adopted.

NAVIGATION.

Mr. CARTWRIGHT moved the second reading of the bill for the better protection of navigable streams and rivers. It was admitted that great injury was done to the streams throughout the Dominion, and especially the Ottawa, from the great quantities of rubbish thrown into them. The only difficulty alleged was that some hardship might be inflicted on the mill owners. The whole bill was opposed by some because they maintained that the navigation of the Ottawa was not injured. He referred to the report of the Minister of Marine and Fisheries, stating that great injury resulted to the fishing interests, and that the manufacturers declined to change their habits of throwing rubbish into the streams. No practical step had yet been taken. It was said that the current of the Ottawa was so fast that the navigation was not affected but if the matter was allowed to go on, the time would come when the navigation of the river would be difficult. But there were many streams other than the Ottawa, and it was very important that the measure should pass.

Mr. CURRIER said last year the matter was delegated to a committee, but he did not know whether they had yet reported. If such was not the case the second reading should not pass. He maintained that the persons most interested were the lumber manufacturers. The navigation of the river had never been affected, and he hoped the bill would not be allowed to pass. He moved that the bill be read a second time this day six months.

Hon. Mr. LANGEVIN said the Government thought the matter of such importance that they appointed a Commission to enquire into the matter, and the Commission was so composed that all the particular classes interested were represented on it. The Commission had sat for some time, but the object was such that a

report could not be made without a lapse of time, and they would not be able to report before the end of the year. Under these circumstances Government had not thought fit to bring in a measure to remedy an evil, which was, no doubt, a very great evil for the navigation of some rivers had been seriously affected. Last year he had impressed on the mill owners the necessity of at once ceasing to throw slabs and edgings into the river, and he believed that that advice had been acted on; but they represented that the effect of not throwing their saw dust into streams would be to force them to shut down their mills. The whole matter, however, would be considered by the Commission, and the Government would then be able to deal with the matter. He hoped, therefore, that the mover would allow the measure to stand till next session.

Mr. BOWELL said the speech of the member for Ottawa would tend to show that the Ottawa was the only stream affected. There were, however, many other cases in which the greatest possible inconvenience was caused by rubbish being thrown into rivers. He was glad the Government were taking the matter up, and there might be some understanding between the member for Lennox and the Government to delay the bill until the Commissioners had reported. If the Government afterwards refused to deal with the question it could again be pressed.

Mr. CARTWRIGHT would not press a division after the statement of the Minister of Public Works. The Minister of Marine, however, had pointed out the great evil of the matter. It should not be delayed longer than possible.

Mr. WHITE (Halifax,) referred to cases in which saw dust was not allowed to be thrown into rivers, and said the means of consuming it were very simple.

Hon. Sir FRANCIS HINCKS said the Government had not a different policy with regard to the Ottawa as distinguished from other streams. The whole matter was under consideration, and the Government undertook to deal with it as soon as they were in a position to do so.

The amendment was then withdrawn, and the order for the second reading discharged. It being six o'clock the House rose.

AFTER RECESS.

RAILWAY BILL.

Mr BAKER moved the first reading of the bill from the Senate to amend the St. Francis and Megantic Railway Act. Carried.

Hon. Sir F. Hincks.

Mr. MILLS moved the second reading of the bill to render members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada. He said there could be no doubt about the necessity of the measure he proposed. It had been objected that no mischief had arisen because of the position in which the law stood at present; but if there were theoretical defects it was advisable to remedy them. It was a theoretical more than a practical grievance, that had lost Great Britain the thirteen colonies. The idea of self-government was firmly rooted in the colonial breast, and it was not a sufficient answer to complaints to say that we were bound to follow precedents established in the old country. Practical politicians on the other side of the House had spoken of the necessity of harmony between the federal and local Governments; but there could hardly be harmony while dual representation continued. There were many inconveniences connected with that system; among them being the embarrassments which arose from the simultaneous sitting of the General and the Provincial Legislatures. He alluded to the arbitration case in reference to the province of Quebec, as a matter in respect to which great mischief might follow from the presence of members of the Government of that Province in this House. He argued that dual representation was dangerous. While the veto power remained in the hands of the Dominion Government there was no security for local governments, except by separating as far as it was possible to do so, the functions of the Provincial Legislatures from those discharged by the Dominion Parliament. It had been argued that to prohibit dual representation would be an interference with the freedom of the people. So it might he said with regard to the appointment of judges and sheriffs. Parliament, in fact, was interfering with the freedom of the people every day; but he did not say that the interference was hurtful in every case. It might be that the interests of the people were served by what seemed to be an interference with their freedom. He did not think that what he proposed could be regarded as a restriction of their liberty in any injurious sense. After all that had been seen in the House, after seeing the Premier himself, as well as other members, dragging into the discussion of this House the local politics of the Provinces, he thought the time had come for abolishing that system of double

representation which had produced such pernicious results.

Mr. BELLEROSE, in French, argued that the people were the best judges of whether they should be represented in both legislatures by the same person or not. To them the question should be referred. To say that they should not be allowed to elect whom they pleased was an improper restriction of their liberties. He moved in amendment that the bill be read a second time that day three months.

The members were called in. Upon the question being put the amendment was carried upon the following division:—yeas, 73; nays, 55.

YEAS.—Baker, Bellerose, Bertrand, Bowell, Bown, Cameron (Inverness), Campbell, Carling, Caron, Cartier (Sir George E.), Cayley, Chauveau, Coffin, Colby, Costigan, DeCosmos, Dobbie, Drew, Dugas, Fortin, Gaudet, Gendron, Gibbs, Grover, Heath, Hincks (Sir Francis), Houghton, Hurdon, Jackson, Keeler, Lacerte, Langevin, Langlois, Lapum, Lawson, Little, Macdonald Sir J. A. (Kingston), McDonald (Lunenburg), McDonald (Middlesex), Masson (Soulanges), Masson (Terrebonne), McDougall (Three Rivers), McMonies, Merritt, Moffatt, Morris, Morrison (Niagara), Nathan, Nelson, O'Connor, Perry, Pinsonneault, Pope, Ray, Renaud, Robitaille, Ross (Champlain), Ryan (Montreal West), Shanly, Simard, Sprout, Stevenson, Street, Sylvian, Thompson (Caribou), Tilley, Tourangeau, Tupper, Walsh, Webb, White (East Hastings), Wilson, Total, 73.

NAYS.—Messrs. Anglin, Barthe, Bechard, Blake, Bodwell, Bolton, Bourassa, Bowman, Burpee, Cameron (Huron), Carmichael, Cartwright, Cheval, Connel, Coupal, DeLoe, St. Hyacinthe, Ferris, Fortier, Fournier, Geoffrin, Gordin, Hagar, Jones (Halifax), Kempt, Kilman, Kirkpatrick, Mackenzie, Magill, McDonald (Renfrew), McMonies, Mills, Oliver, Pelletier, Pickard, Power, Pozer, Redford, Ross (Dundas), Ross (Prince Edward), Ross (Wellington) C. R., Rymal, Scatterd, Schultz, Smith (Westmoreland), Snider, Striton, Thompson (Ontario), Tremblay, Wallace (Albert), Wells, Whitehead, White (Halton), Wood, Wright (York, Ont. W. R.), Young.—Total 55.

The bill was accordingly thrown out.

CONTROVERTED ELECTIONS.

Hon. Mr. BLAKE moved the second reading of the bill to provide for the trials of controverted elections before judges, and for the prevention of corrupt practices at elections for the House of Commons. He said the House was aware of the object of the measure. Many members having taken an interest, as was but natural, in the recent local elections, were aware that the measure had been approved of with reference to several of the Provinces. Three of the Provinces had election laws which embraced provisions for trials before the Judge of controverted elections, the Provinces of New Brunswick, British Columbia, and Ontario. These three Provinces comprised, with reference to the new representation in this House, 110 members out of the total number of about 200 of which the House would be composed. It would thus be seen that, in a majority

of the constitutencies, as far as the voice of the people could be expressed on a subject of this description through the Local Legislature, the principle of trying controverted elections before Judges had been proved. He believed it was perfectly legitimate to assert that, as an argument, for the passage of this bill, the reason that all the principles which could by any possibility apply to the measure in one Legislature must, *ex-necessitate*, apply in the other Legislatures. If there was a well manifested expression of popular opinion in the one Legislature it followed that that opinion should apply and have the same force in the other. He would endeavour before he sat down to show that it applied *in multo fortiori* with reference to the Legislature of the Dominion. The fact that this law had been adopted in England was not immaterial, nor was it immaterial that the result there had not been at all unsatisfactory. He held that in matters of election this House was bound to look to the views of the people as expressed in the Local Legislatures. What was the election law of the Dominion except an aggregate of the laws adopted by the various local bodies? They had had some experience in the past of the evils of the existing state of things. There had been a contested election for Hochelaga which lasted nearly four sessions, and during all that time it had remained in doubt whether the hon. gentleman who sat for the county was really entitled to a seat on the floor of the House. He maintained that the state of the law which was capable of producing such results—results which were not exceptional—was disgraceful. (Hear, hear.) He laid down this proposition—that it was essential to the ends of justice that Judges who were to decide a question of fact should be in a position to hear the evidence of all the witnesses upon the reliability and accuracy of whose statements they were to determine. But under the present law it would be necessary to bring witnesses from all parts of the Dominion to Ottawa, the result being that the rich man had a vast advantage over the poor man, and wealth would be an essential of the trial. The alternative to which the House would be driven would be to issue a commission to take evidence elsewhere; that was objectionable in the last degree, for then something would be got which would no more tell what the real fact was, and what weight ought really to be given to it, than the perusal of the report of a man's speech would give a correct idea of what the speech really was when delivered. He maintained that, for this and other reasons, the present system with reference

to the tribunal which was erected for the trial of the elections, was altogether unsatisfactory. He maintained that the present system, which had been cunningly devised, was founded upon the theory, not that the members of the House were impartial, but on the avowed theory that they were not impartial, that that was a theory which acknowledged the defects of the tribunal, which acknowledged that members were more than liable to err in this matter, which acknowledged that, with the best and most honorable intentions possible, they were so likely to do wrong that neither side was willing to trust the other, and which disposed of a case by appointing an equal number from each side upon the tribunal, and then to quarrel for the chairman, so that in nearly every instance when the chairman was chosen the case was virtually regarded as settled, and might as well be brought at once to an end. In the British House of Commons they had recognized the imperfections of the tribunal, and had handed over to others better fitted to discharge the duty the trial of contested elections. It would devolve upon those who choose to resist a similar change in Canada to make out an extremely strong case before they could justify it. He maintained that a system which localized the trials, which gave to the Judges to whom we were willing to entrust decisions in regard to everything we held dear—our lives, our property, our honour, our reputation—the power to determine whether an election had been fairly and properly conducted, was a system which commended itself to the general approval of the people. Was it not the boast of the country—he knew it to be the boast of his own Province—and would fain believe it was the boast of the other provinces—that our judges were beyond corruption, and beyond even the suspicion of it? Was it not the boast of the country that the fountains of justice were pure and undefiled? If that was the case, then he maintained that they could not, in justice to their constituents, in justice to themselves, refuse to pass a law which was essential, in fact, to the freedom and purity of elections. A most remarkable change for the better had been produced in Ontario, by the change of law in that province. There was a great improvement in the Election of 1871, over the Election of 1867; and he attributed that to the fact that the people were convinced that enactments respecting bribery and corruption, which had become dead letters under the old system, were changed into living laws, when they placed the administration in

Hon. Mr. Blake.

the hands of judges and means were provided for the speedy trial of violations of them. What he asked now was whether hon. gentlemen were prepared in reference to elections for the House, to give the same inducements to the electors and to the candidates, which it was in the interest of all of them to give, not only of preventing bribery and intimidation, but of affording a satisfactory mode of trying violations of the law. He argued that the expense of trying a controverted election would be no greater under the new than under the old system. Then, if the system he proposed was adopted, as he contended it was specially adopted to a country covering so vast an area as this, it should be adopted. The great satisfaction which the people would derive from the trial being conducted in an open Court before themselves, from the witnesses being examined in their presence, from the facts being stated in the hearing of those who were best qualified to judge of them, from the truth being got out before them, and from the decision upon those facts being given by Judges whom they knew, whom they trusted, and whom they were accustomed to have to decide in the other affairs—if it was a system of that kind then he said that, important as were the measures of amelioration which might come before the House, there was none of so great importance as that which he was the humble medium of bringing under their consideration. No greater blow could be struck against corruption and intimidation than would be struck by the bill, and the only ground upon which it could be opposed by hon. gentlemen opposite—would be a deliberate intention on their part to use that patronage with which they had been entrusted for the benefit of the whole country, to use the influence they had as governors of the country, to exercise the control they had over the administration of the public affairs of the country, as means and levers for improperly influencing the popular vote at the approaching elections, and to do all that, to use even the powers which the legislation of this session would put in their hands, as well as to avail themselves of the purses of their friends throughout the constituencies, without incurring the exposure, the confusion, and the difficulty which would follow a trial of these matters before a proper tribunal. (Hear, hear.) Those who were against the present system, and in favor of that purity of election which its abolition had secured in Ontario would vote for the bill. Those who were in favour of bribery and corruption being practised, without any effectual check being placed upon them—and he

characterized them in advance—would reject the bill; and he trusted that, if they rejected and again became candidates, the people would reject them. (Hear, hear.)

Hon. Sir J. A. MACDONALD said that, instead of arguing the bill on its merits, the hon. gentleman took occasion to threaten those who held different opinions from himself. The hon. gentleman would find that that language would meet the fate it deserved, and that in adopting such a tone he would not increase his influence in the House or the country, or his usefulness in any way. The hon. gentleman had cast a deliberate slander on every member of the House when he said that the continuance of the old system would be a practical inducement to bribery and corruption. What was the law that now existed? It was that five men should be chosen by lot out of the House—not chosen by the majority—but chosen by chance; and the men who had been chosen by the people of the land to pass all the laws and to deal with all the subjects of public interest were to be stigmatized as men who countenance corruption; and the committee, sworn solemnly to try each case according to law, was termed “corrupted,” and was charged with committing perjury. That was the necessary inference of the hon. gentleman’s language, and no other conclusion could be drawn from it. In either case, whether before a judge or a committee, there was no doubt that the tribunal would be honest, and would do their duty; and his experience in Parliament had been that Committees on the whole had given decisions, as fair, as honest, as bench or Judges could give, however elevated. He did not deny that some argument might be made from consideration of convenience, had that line been taken by the hon. gentleman. It was unworthy of him to hold out a threat of the kind he had used; and for that reason, if for no other, the bill would be rejected. He objected, however, to the bill being passed now, for two reasons. In the first place the House should respect its own legislation. Did Parliament act with deliberation, or did it not, when the subject was before it last year? Did it not provide then that there should be a certain system for the trial of controverted elections? There had been no change of circumstances, and no election had taken place since the Act passed, and any change would be resented by the Senate, for they would say, “We passed the Act last year at the request of the House of Commons, and there has been no change of circumstances since.” There was another ground of objection which, to his mind, was con-

clusive on the subject, and that was that until they they had Dominion Judges they had no right to force the trial of controverted elections on the present Judges. If any hon. gentleman would consult the British North American Act he would see that this was the case, for it was provided that the constitution of the courts, their organization, and their duties were to be uttered by the Local Legislatures. The general Government had the power of appointment and the fixing of salaries; but it had no power, and ought not to assume the power, of throwing upon the Judges other duties than those provided by the local acts. If they could order the Judges of the Superior Court to try election petitions, they could order them to act on commission on any public subject whatever, and to perform duties altogether inconsistent or at variance with their proper duties as Judges. It was unconstitutional in spirit to throw on the Judges duties other than these imposed on them by the Local Legislature, and the House would see the inconvenience of it. What security could there be that the Administration of Justice would be satisfactorily carried on, or how could the Government of any Province see to the proper economical administration of Justice if the judges could be dragged away from their duties and their courts, and be compelled to set aside a whole circuit because they were ordered by the Dominion Government to leave their bench and go away east, west, north or south to try election petitions. It was a step which would strike a serious blow at the very root of the satisfactory performance of the ordinary administration of justice. There were 200 members in the House. Supposing that there were fifty disputed cases at the next election; fifty judges would have to be taken away from their ordinary duties. When next year the Dominion had Judges of its own sitting as a Court of Appeal, if it should be found, after a fair and full consideration of the whole subject, that the Dominion Judges could, without interference with their ordinary duties, have these duties imposed on them, it would be time enough to act. Under the present law, the Dominion Parliament had no power to control the number of Judges, or to increase them, and yet they were asked to throw additional burdens on them without concert with the local Governments in that behalf. This argument, in his opinion, was conclusive against the bill. The two grounds on which he took objections to the matter were that, after the legislation of last Session the Statute then passed should be allowed to remain, as no new circumstance

had arisen; in the second place, that they were entering on a dangerous path if they assumed the power or authority of imposing any duties on the Judges other than those imposed on them by the Legislature of the Province of which they were Judges. He moved that the bill be not now read a second time, but that it be read a second time that day three months.

Hon. Mr. MACKENZIE said, the first reason given by the hon. gentlemen, was that the mover of the bill had threatened the House. That reason was unfounded and improper. As to not passing a new law until the old one had been tried, the argument was fallacious. The House had imposed duties on Judges on several occasions. If they imposed duties on them respecting the Insolvency law, why should they not do the same with the Election law. Again, Parliament could impose the duty of trying divorce cases, and several other matters. As to the question of convenience, it would not take nearly so great a number of Judges to try the cases. The usual proposition of Contested Elections was about ten per cent, and seven Judges, at the outside would be able to dispose of the cases. Suppose there was a Court of Appeal, that court would sit at Ottawa, and did the hon. gentleman propose to send these judges all over the Dominion? It was proposed to make up the court with seven judges, and yet the hon. gentleman proposed to give controverted elections into their hands, and yet he said that 50 would be necessary. The arguments were wholly against the grounds taken by the First Minister. He could understand that it might be considered preferable to commit election cases to a committee of the House instead of to courts, though he could not agree with that view. He remembered a case in which a member in an election committee had remained out of the way purposely to avoid a decision, and gentlemen engaged in party strife might imperceptibly be influenced by their party feeling. The very process of the appointment of the committee involved the view that it was necessary to guard against party influence. He maintained that the trial by Judges was British and commended itself to the judgment of all men of any long Parliamentary experience, and should support the bill with the greatest eagerness.

Hon. Sir GEORGE CARTIER said the question was worthy of all consideration and examination, but it must be remembered that the system proposed was tried in the old province of Canada under the "Mackenzie Bill." But there was a feel-

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ing of distrust that the law would not work and after a year's experience the Legislature repealed it. He did not blame hon. gentlemen opposite for their views, but a great majority were opposed to the principle they held. He was in England some time after the passing of the law placing the matter in the hands of the judges, and several judges who had been called on to administer the law condemned the policy of taking them away from their ordinary duties to try controverted elections. That principle was merely on its trial, yet, and it was almost a certainty that the next Parliament would be called upon to adopt a uniform election law for the whole Dominion. It was impossible to do this last session on account of the accession of British Columbia, as in order to a proper decision, it was necessary to have representatives from each portion of the Dominion. The present law was only applicable to the next general election, and it would afterwards be necessary to frame a uniform measure. It would be more than unwise and imprudent at that moment to substitute an untried system for one that had been tried, and until a uniform measure could be adopted. The experience of the first few years had brought about the conviction that the electoral basis should be uniform throughout the Dominion. He hoped the House would see that it was not expedient to impose the duty in question on judges under the control of the local Governments, in addition to their ordinary duties, and for this reason, and for the want of proper experience, the bill ought not to pass. The question was an immense one, and could not be properly considered at the fag end of a session, and Parliament next year would be in a proper position to deal with the matter.

Mr. ANGLIN did not understand the argument that the measure of last year should not be changed, if there was sufficient reason for such a change. He believed that the system of trial of elections before judges was recognized as the best, from the experience of the provinces that had tried it; and there was no doubt of its being the most convenient. The most important consideration was that bribery and corruption had been greatly discouraged by the system of trial before judges. In addition, losses could be decided much more rapidly by judges than by a committee, and indeed all facts, arguments, and experience concurred to support the measure now before the House. It had not been proved that the proper discharge of the ordinary duties of Judges had been interfered with by the imposal on them

of the trial of election cases, and he believed that if there were payment attached to controverted elections, no Judge would object to the work. The first consideration was that justice should be done.

Mr. RYMAL had had much experience in matters of contested elections, and had known days and days taken up in trying the cases before a committee. He desired that Justice should be done, and there should be no unnecessary delay, and he believed justice would be more certain under the system proposed than under that now in force.

Mr. IRVINE had a strong conviction in favour of the principle of the proposed bill and should vote for it. He referred to the election law as a mere dead letter, and believed that there was great corruption at elections. The reason of the law being imperative was that it was impossible for a committee to unseat a member for corrupt practices. He did not agree with the statement that Election Committees were influenced by party feelings, and referred to a case in which a Conservative had been unseated by a committee a majority of which were conservatives. He believed that the present tribunal was proved to be unsatisfactory, and especially so to the gentlemen unfortunate enough to be chosen on the committees. He believed they could not do better than entrust the matter to the judges of the land, and thought that system had worked very well wherever tried. He never understood that the motion last year was to be permanent, and he could not agree with the argument that the House had no power to impose duties on judges, for every law passed imposed on them the duty of carrying out the law. If it was important that corrupt practices at elections should be put down, and if the present tribunal was unsatisfactory, the only alternative was to place the matter in the hands of the Judges.

Mr. STREET said the question was one of principle. They had long experience of the present system, and he did not desire in any way to reflect on the Committee, but he believed trial by Judges was most likely to ensure justice and right. It was not a question of imposing too great a burden on the Judges, for if the burden was too great the allowance could be increased. The subject was that justice should be attained, and that should be the first consideration. On the score of convenience also the present system was undesirable, for it would be most incorrect to try a case from British Columbia or Manitoba under the present system, and it was desirable that all investigations should take place as early as possible. He was decidedly in

favour of the principle of trial by the Judges, and that principle had been found to work most satisfactorily. The bench was so entirely pure that the question could be submitted to no better tribunal. When they were asked to say which was the best principle they ought to decide at once, and not defer it till another session.

The members were called in, and on Sir John Macdonald's motion the vote resulted as follows:—Yeas, 66; nays, 49.

YEAS—Baker, Bellerose, Benoit, Blanchette, Campbell, Caron, Cartier (Sir George), Chauveau, Chipman, Cimou, Coffin, Colby, Costigan, Currier, Daoust, Decosmos, Dobbie, Drew, Dugas, Fortin, Gaudet, Gendron, Grant, Grover, Heath, Hicks (Sir Francis), Houghton, Hurdon, Jackson, Keeler, Lacerte, Langevin, Langlois, Little, Macdonald (Sir J. A.), Macdonald (Lunenburg), Macdonald (Middlesex), McKeaghe, Moffatt, Morris, Morrison (Niagara), Munroe, Nelson, O'Connor, Perry, Pinsonneault, Pope, Ray, Renaud, Robitaille, Ross (Champlain), Ross, (Victoria, N. S.), Ryan (Montreal West), Shanly, Spiocat, Stephenson, Sylvain, Thompson (Cariboo), Tilley, Tourangeau, Tupper, Walsh, White (East Hastings), Wilson, Wright (Ottawa County),—Total 66.

NAYS—Messrs. Anglin, Bechard, Bertrand, Blake, Bodwell, Bolton, Bourassa, Bowman, Burpee, Cameron (Huron), Cheval, Coupal, Ferris, Fournier, Geoffrion, Godin, Hagar, Irvine, Kempt, Kirkpatrick, Mackenzie, Magill, Masson (Terrebonne), McDougall (Renfrew), McMonies, Mills, Oliver, Pelletier, Picard, Pouliot, Pozer, Redford, Ross (Wellington, C. R.), Rymal, Seacherd, Smith (Westmoreland), Snider, Sturton, Street, Thomson (Ontario), Tremblay, Wallace [Albert], Wells, White [Halton], Whitehead, Wood, Wright [York, Ont., W. R.], Young.—Total 49.

The Bill was therefore thrown out.

ADJOURNED.

Hon. Sir. J. A. MACDONALD then moved that, when the House adjourn, it stand adjourned until Monday.

Hon. Mr. MACKENZIE asked if there was any reason for not sitting on Saturday.

Hon. Sir J. A. MACDONALD said there were many members away, and nothing would be gained by sitting on that day. He would give notice next week, however, that the House should sit on Saturday of that week and the following Saturday.

The motion was then carried.

Mr. COSTIGAN moved the second reading of the bill to compel members of the local legislature in any Province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament. He said if a man could only hold one seat he should only contest one. If he was not compelled to resign one he might come forward from mere opposition. He would not have moved the bill except on principle. He had no personal interest but moved it from a sense of duty.

Mr. BODWELL said if the Hon. gentleman would make his bill general he (Mr. Bodwell) would support it; but at present it was only partial. The principle had

Mr. Street.

been refused by the House. If the House intended to be consistent it would reject this bill, as it did last session. The very principle of the bill, affecting as it did only a portion of the Dominion, instead of the whole of it, was objectionable.

Mr. SAVARY thought the bill was a fair one, and would support it, hoping it would receive the sanction of the House.

Mr. GEOFFRION hoped the House would not adopt the bill, and moved an amendment that it be read that day three months.

Mr. JACKSON intended to vote for the bill. He had always been in favour of allowing the people the liberty of sending the same person to the Local and General Legislatures if they saw fit; but, as some of the Provincial Legislatures had restricted that liberty he thought it was only right that the legislation they had initiated should be made as perfect as possible, in accordance with the views which he was sure they must have entertained.

Mr. ANGLIN thought the speeches of the member for Digby and others, indicated plainly that the bill was of a personal character. This bill would be regarded from one end of the Dominion to the other as having been passed to serve personal ends. The hon. member who last spoke seemed to say that the Local Legislature of Ontario passed a bill as to dual representation, but it did not satisfy the people of Ontario, and we were asked to legislate upon the question. He objected altogether to legislation which would be regarded as personal and individual. His opinion was that one of the last acts of this Parliament of Canada should not be of such a character.

Mr. MILLS thought it was quite clear that the House should not pass the bill, and ought not seek to impose certain disqualifications in some parts of Canada that would not apply in the least to all parts.

Hon. Mr. YOUNG objected to the bill, as of a personal nature. A measure of similar purport had just been voted down by the Government, and it was inconsistent to support this. Ontario would regard the vote as a political trick, which would add to the majority of his hon. friends, the members for West Durham and Lambton. He trusted the House would be consistent as he (Mr. Young) was, and vote against the bill.

Mr. DECOSMOS intended to vote against the motion of the hon. member for Victoria, as he was opposed to a principle that would entail disastrous results.

Hon. Mr. GRAY said there was so little of a personal nature in the bill, that there was not a single member from New Bruns-

wick who would vote against the proposition made this year by the same member for New Brunswick, who had moved it last. He should certainly vote for the measure this year, as he did last.

Mr. COSTIGAN urged that there was nothing of a personal nature in this measure. Last year the hon. members for Ontario were not affected by his introduction of the measure; but because they could be this year it was not his (Mr. Costigan's) fault. He had been perfectly consistent.

Mr. ROSS (Dundas), had opposed the measure last year and saw no reason to change his mind.

The members were then called in and Mr. Gofferion's amendment was lost on the following vote:—yeas, 39, nays, 65.

YEAS.—Messrs. Anglin, Bechard, Bodwell, Bourassa, Bowman, Coupal, DeCosmos, Drew, Fournier, Geoffrion, Godin, Langevin, Lawson, Masson, Mackenzie, Magill, Masson (Terrebonne), Macdougall [Renfrew] Mills, Munro, Oliver, Pelletier, Redford, Ross [Dundas], Ross [Wellington C.R.], Rymal, Scatcherd, Snider, Stirtan, Thompson [Ontario], Tourangeau, Tremblay, Wells, White, [Halton], Whitehead, Wilson, Wood, Wright [York, Ont. W. R.], Young.—39.

NAYS.—Messrs. Baker, Bellerose, Benoit, Bertrand, Blake, Bolton, Cameron [Inverness], Campbell, Caron, Cartier, Chauveau, Chipman, Climo, Coffin, Colby, Connell, Costigan, Currier, Dobbie, Dugas, Fortier, Gaudet, Gendron, Grant, Gray, Grover, Hurdon, Irvine, Jackson, Keeler, Kirkpatrick, Lacerte, Langlois, McDonald [Lunenburg], McDonald [Middlesex], McKeagheney, Moffatt, Morris, Morrison [Niagara], O'Connor, Perry, Picard, Pinsonneault, Pope, Pouliot, Ray, Renaud, Robitaille, Ross [Champlain], Ross Victoria, N. S., Ryan [Montreal West], Savery, Shanly, Sproat, Stephenson, Street, Sylvian, Thompson [Cariboo], Tilley, Tupper, Wallace [Albert], Walsh, White [East Hastings], Wright [Ottawa].—65.

Hon. Sir J. A. MACDONALD having been called on to vote, said he had paired with Sir George Cartier. (Great laughter.)

The second reading of the bill was declared carried on a division.

The House adjourned at 12.35 till Monday.

SENATE.

MONDAY, May 27.

The SPEAKER took the chair at eight o'clock.

INTERCOLONIAL R. R.

Hon. Mr. LETELLIER DE ST. JUST asked the Government whether the Intercolonial Railway between River du Loup and the River Metis, will be opened before September next, if not, when?

Hon. Mr. MITCHELL replied that it would not be opened during that month, but probably at an early date after that time.

BAY VERTE CANAL.

Hon. Mr. DICKEY asked whether the

Government intend during the present year to take the necessary preliminary steps for inviting tenders for the early construction of a canal to unite the waters of the Bay of Fundy with the Gulf of St. Lawrence?

Hon. Mr. MITCHELL replied that the Government intended asking tenders for the construction of the works as soon as they received necessary authority from Parliament.

BILLS.

Bills respecting Banks and Banking, Savings Banks, St. Lawrence Bank and Mutual Life Association, were read a second time.

Bills respecting Civil Service, Public Debt, Indemnity in connection with the Fenian Invasion of Manitoba, and Geological Survey, were passed in Committee and read a third time.

Bill to naturalize A. P. Dodge was also read a third time and passed.

A large number of Bills were received from the Commons, and ordered for a second reading to-morrow.

The House then adjourned.

HOUSE OF COMMONS.

Monday, May 27th, 1872.

The SPEAKER took the Chair at 3:20 p.m. The attendance was small, there not being more than seventy members in the House.

DOMINION WATER-WORKS.

After routine.

Mr. WOOD moved concurrence in the amendments made in Committee of the Whole to the Bill to incorporate the Dominion Water-Works Company. Carried.

RAILWAY BONDHOLDERS.

Hon. Col. GRAY moved the second reading of the Bill to do justice to the bondholders in the case of the Houlton Branch Railway Company of the Province of New Brunswick, incorporated by Act of the Assembly, 30 Vic., cap. 54. He said in explanation of the Bill that the inhabitants of the town of St. Stephens, in the county of Charlotte, N. B., desired some years ago to have a branch constructed to connect the town with a railway running into the United States. They accordingly agreed with the Company, which was an American corporation, that if the Company gave \$30,000 for the purpose of constructing the Branch they would give \$15,000. The first step taken in the matter was before Confedera-

tion, but the Act authorizing the town to issue debentures in aid of the Railway was passed by the Local Legislature after the union. The debentures were issued under the authority of this Act, and the railway was built in consequence of which property in the town had greatly increased in value. Since then, however, a ratepayer had taken exception to the legality of the debentures, refusing to pay his share of the assessment, and the matter having been carried to the Supreme Court of New Brunswick it was there decided that the Act authorizing them having been passed since Confederation and for the benefit of a railway running into a foreign country beyond the powers of the Province, it was *ultra vires* of New Brunswick Legislature to pass such an Act. The object of this bill was, therefore, to legalize the debentures and protect the innocent holders of them. He could not conceal his belief that there might be difficulties in the way of the passing of the bill, nor would he shrink from confessing that there might be doubt as to jurisdiction of Parliament on the matter. However it was desirable that the innocent should not suffer, and more especially as the parties who would be wronged under a technical plea in this case were foreigners; and, as there were precedents for interference to rectify such defective Legislature, he thought it was within the power of Parliament to pass the Bill. He quoted several authorities to sustain this view of the case.

Hon. Mr. MACKENZIE said some of the provisions of the Bill seemed to him to be extraordinary, and he would like to know the views of the Minister of Justice with regard to them.

Hon. Sir JOHN MACDONALD said he had read the Bill with some little care, and he must say it appeared to him to be doubtful whether, under the circumstances, this Parliament had power to pass the Act, or if it did pass it, whether by so doing it would render the debentures valid. He must say that he had very great doubt upon that point. (Hear, hear.) As he understood the facts they were these:—A company had been incorporated by the Legislature of New Brunswick to build a railway to the province line. The Legislature, of course, had the power to do that, under the British North America Act. It then appeared that a foreign company in the State of Maine, had offered to the people of St. Stephen that if they would contribute towards its equipment the company would construct a branch line to connect with the railway authorized by the Legislature, which was to run to the Province line. This had been agreed to, and an act passed the Legislature authorizing the justices of

St. Stephen to issue, on behalf of the municipality, debentures for the purpose of aiding this foreign company in the carrying on of the work of connecting the town by railway with the province line. It was not at all clear to his mind that the judgment of the court, on declaring these invalid, was a correct one. (Hear, hear.) That was his view of the matter; but he stated it under reservation, as he had not yet had time to look into it thoroughly. It appeared to him that, if the power of legalizing the debentures existed anywhere, and it surely must exist somewhere, it was in the Local Legislature. If that was the case then it will not rest with this Parliament to interfere. This was not a question of the construction of a railway connecting with New Brunswick with a foreign country, and declared to be for the general benefit of Canada. If it were, Parliament would have a right to legislate on the matter; but as the case stood, if Parliament passed a bill declaring that the debentures had been legally issued, the court would have just as strong reasons for declaring that the Act was unconstitutional, as it had for deciding against the Provincial Act. (Hear, hear.)

Hon. Mr. E. B. WOOD maintained that the Dominion Legislature had power in the matter. Without any disrespect to the New Brunswick court that had decided against the legality of these debentures, he would say that a more imbecile set of reasons, for a judicial decision, he had never heard given in his life. (Hear, hear and laughter.) He referred to several Bills that had been considered by Railway Committee, for the chartering of Bridge Companies, and held with regard to them that the power sought was within the jurisdiction of the Provincial Legislature. The British North American Act, he argued, gave authority to the Local Legislature to authorize the construction of a railway to the limit of the Province, and it would be absurd to hold that, because the work extended into a foreign country, it therefore passed out of the jurisdiction of the Local Legislature, for neither the general nor the Local Legislature could give power to carry on a work beyond the frontier of the country. The only way in which a Provincial Railway running to the boundary could be brought within the jurisdiction of Parliament would be to declare it a work for the general benefit of Canada. With regard to these debentures, Parliament had no power to legislate in any way, and the whole matter should be left in the hands of the Local Legislature.

Mr. SMITH (Westmoreland) did not think it seemly for an hon. member to

Hon. Col. Gray.

stigmatize as "imbecile" a court than which there was none of a higher character in the Dominion. He ventured to say on behalf of the bar of New Brunswick, that there was no lawyer, no judge, no chief justice, in the whole of Canada whose reputation stood higher, or who had superior legal attainments than the Chief Justice of that Province (Hear. hear.) As to the decision the Court had given in this case, it was in his opinion based upon sound principles of law, and would stand the test of an appeal to the Privy Council. He read a petition signed by 200 ratepayers of the town of St. Stephen against the passage of this Bill, on the ground that the act had been carried through the Provincial Legislature by surprise, and without fairly consulting the inhabitants of the town. He said he had no opinion to offer upon this petition, which he simply read for the information of the House.

Mr. BOLTON pronounced the statements contained in the petition untrue, and said he was sorry to see among those who had signed it the names of several parties who had voted for the issue of the debentures, and who, after pledging the faith of the town to the Railway Company, now wished to have those debentures declared invalid. He was in favour of some measure of relief being offered to the innocent holders of those securities.

Mr. SMITH said that the principle had been laid down that it was not in the power of a Local Legislature to give aid to anybody or corporation that derives its existence from the Parliament of Canada; neither conversely would it be in the power of Parliament to give aid to any body or corporation deriving its existence from a local Legislature. If that principle was sound, then the course to pursue would be to delegate the whole matter to the Legislature of New Brunswick. There was another point which he thought deserved attention; it was whether it was in the power of Parliament or of a Local Legislature to give aid out of the public monies to any body or corporation that was of a purely private character; in other words, had Parliament or a Local Legislature power to tax the people for any other than a public purpose. He thought it was quite clear taxation could not be imposed for any private object. Railway Corporations were private bodies, and Municipalities might aid them by taxing; but if they gave a bonus they would thereby deprive the minority of any protection. He denied that any power could be conferred to enable the municipality to levy a rate in aid of any work that was not a public work, and he read from a decision

of an amnesty Judge to establish this point.

Hon. Mr. TILLEY said if the doctrine of the hon. member on the point was correct, there was a large number of Railway securities in New Brunswick, where railways had been constructed by the aid of Provincial as well as Municipal bonuses, which would be entirely worthless. (Hear. hear.) With regard to this clause the Government had given assistance to the town, Calais had voted \$15,000; the town of Houlton, also in the State of Maine, \$30,000, and the town of St. Stephen had issued debentures to the amount of \$15,000. All these debentures had been sold by the Railway Company in order to complete the work, and were now in the hands of innocent holders. The position therefore was just this; that when these parties asked for their interest they were told that the highest court in the province had decided that the Legislature had no power to authorize the issue or securities they had purchased, and they were therefore deprived of the money to which they were fairly and equitably entitled. He took it for granted that the Act of the Local Legislature had been submitted to the Minister of Justice and declared by him to be such an act as it was within the power of the Legislature to pass. The Court having decided, however, that the Provincial Legislature had no right to pass such a law, it remained for Parliament, and he could see no other authority which could be appealed to—to compel justice being done. The town of St. Stephens had given its assent to the issue of the bonds, and he could not see that there were any sound objections to the confirmation of that assent by Parliament.

Hon. Mr. MACKENZIE said every one would agree that justice ought to be done; but the question was whether Parliament was able to do them justice. If this House had no power it would be no more than a farce to pass an act that the court might afterwards declare to be unconstitutional. He did not pretend to say the House had not the power, but that was a position in which it might be placed. It appeared to him, taking a general view of the matter, that if Parliament was competent to legalise the bonds, it was competent to authorize the municipality of any of the Provinces to grant aid to any railway or other work it chooses. If then it was competent to authorize them to do certain things it would be equally competent to compel the Municipalities to do this. This would go far towards establishing a centralizing system which would be very objectionable to the Provinces, and in his opinion it was a

danger to be apprehended and avoided. He was quite willing that justice should be done, but still the House must be guarded by principles of public law and by the provisions of the constitution under which we were governed. There was another point worthy of consideration, whether it was right to appeal to this House to make good what a court of law had decided to be invalid. He doubted very much whether it should be attempted to set aside by an Act of Parliament the decision of the highest court in one of the Provinces.

Hon. Mr. TILLEY said that the bill was quite in accordance with the judgment of the Court, because the Court had declared that it was this Parliament and not the Provincial Legislature that had power to authorize the debentures.

Hon. Mr. MACKENZIE could not help thinking, although of course he did not express the opinion with the confidence of professional knowledge, that the judgment of the Court was adverse to the common interpretation of the constitution. If Parliament passed the bill in its present shape a number of measures that had passed the Local Legislatures in the belief that they were constitutional would be presented in a new light, and doubt might be thrown upon them as not being acts which it was within the power of those Legislatures so enact.

Mr. ANGLIN supported the bill. He said it had been the invariable practice of this House to exercise jurisdiction in the case of all railways which ran to the boundary of a province and into a foreign country. The point of the hon. member for Brant was not, he thought, a vital one. That hon. gentleman had argued that, because there was no power anywhere to authorize a work beyond the frontier, it was within the jurisdiction of the Local Legislature to authorize works to the boundary line, on the ground that such works were within the Province. Before that was determined, the question of what was a boundary line had to be settled. As a line was geometrically length without breadth, it remained to be decided what the exact meaning of "line" was, when applied to works extending to the frontier. The phrase in the constitution was—"extending beyond the limits of the Provinces," and with regard to these words there should be a final understanding before the question of jurisdiction was conclusively settled. So far Parliament has assumed the jurisdiction, and he said that authority should be exercised in the case where a simple act of justice was to be done.

Hon. Mr. MACKENZIE said the Local Legislatures had held that they had a right,

under the authority of the British North America Act, to charter railways which ran within the limits of the Province, and the Ontario Legislature had passed an Act authorizing the construction of the Canada Southern Railway, which ran from one boundary to the other. Then it would be remembered that some years ago, when the St. Lawrence and Ottawa Railway Company sought amendments to its charter, this House had refused to legislate on the ground that the road was solely within the Province of Ontario, and in order to bring the subject within the jurisdiction of Parliament, a clause had been inserted authorizing the company to cross the River Ottawa into the Province of Quebec.

Mr. ANGLIN said that the railways he had referred to as being within the jurisdiction of this House, were those which would make arrangements and connections on the frontier with foreign railways. With regard to the Bill, he thought it should be passed in order to afford a necessary measure of relief.

Hon. Sir GEORGE CARTIER took exception to the doctrine that had been laid down by the hon. member for Bothwell with regard to the power of Local Legislatures to apply the surplus revenue to purposes which it might consider to be of public interest to the Province. The hon. member had denied the right of the Local Legislature to appropriate any of the provincial income or impose any taxation in order to aid an undertaking which was not for the public good and for the use of the State. In laying down that proposition he had applied it to the case of the Dominion Government in granting aid for the improvement of certain harbours. He (Sir George) would refer the hon. gentleman to the 126th clause of the British North America Act, which gave the Local Legislature power to appropriate the surplus revenue to any purpose which it might declare to be for the public service of the Province. The Legislature were the sole judges as to whether the work to be aided was a public work useful to the Province, or not. With regard to the bill before the House, if the hon. gentleman who had it in charge made out a case, Parliament would have the right to legislate in the direction asked, since it had jurisdiction with regard to Boards and matters of that kind. It did not follow that the action of Parliament would disturb the judgment of the court for the boards might be legalized without affecting that judgment in any way. He (Sir George) was glad when constitutional questions of this kind arose to have them thoroughly discussed and well considered.

Hon. Mr. Mackenzie.

Hon. Mr. MACKENZIE asked whether he understood the Minister of Militia to say that the House could authorize local municipalities to impose taxation.

Hon. Sir GEORGE CARTIER said, not at all.

Hon. Mr. MACKENZIE understood him to say they could issue bonds.

Hon. Sir GEORGE CARTIER said he referred to the Company.

Hon. Col. GRAY said the present application was made to the House in virtue of the decision of the court. The application was made to the court of assessment, and the court declared the assessment to be illegal and void on the ground that the Legislature had no right to pass such an act. The member for Brant seemed to doubt the power of Parliament to legislate, but he would call attention to the language of the section of the British North America Act, which provided that the Provincial Legislatures should have the right to legislate on certain subjects, one exception, however, being all undertakings extending beyond the limits of the Province.

Hon. Mr. WOOD It did not speak of works extending into foreign countries.

Hon. Col. GRAY—If Parliament had not power to legislate on this subject what had it been doing year after year? He referred to these acts passed in 1870 and 1871, in which the same principle was involved, namely the acts respecting the Federation, and the John Bridge Company, the Detroit Tunnel Company, and the International Bridge Company. The member for Bothwell held a Local Legislature had no right to authorize a subsidy for a private company, but he (Col. Gray) maintained that railways were *quasi* public works, and from the moment of their construction passed beyond the jurisdiction of municipal or county authorities, and that the principle had been acted on time after time. The hon. member was too refined with his theories, and they would not work in practice.

Mr. MILLS—It is a question of law.

Hon. Col. GRAY—Then let the legal tribunal settle the matter. Every one admitted the equity of the bill, and as the court had decided that the Local Legislature had not power in the matter, he trusted the measure would be allowed to proceed.

Mr. GEOFFRION spoke in French against the measure.

Hon. Col. GRAY asked whether he understood the hon. member that Parliament had no power to legalize the debentures, because it would be an invasion of municipal rights.

Mr. GEOFFRION said he would repeat his remarks in English as well as he could.

He maintained that the judgment of the court must have been on the ground that the debentures were issued in favour of a body having no legal existence. Because if the Company had no right by their Act of incorporation to issue debentures, the Parliament had no power to give it to them. The bill seemed to indicate that the Company ought to have been incorporated by the Dominion Parliament, and in that he fully concurred.

Hon. Col. GRAY said the decision was not that the company was illegally formed, because it was incorporated before Confederation; but it was that the Local Legislature had no power to authorize aid to the company, because it was a company connecting with a foreign country.

Mr. GEOFFRION could not understand that the Dominion Parliament could give the company greater powers than those conferred on them by the Local Legislature, and should oppose the bill.

Hon. Sir JOHN MACDONALD said, perhaps the second reading had better take place, and then allow it to stand over without any argument as to the principle, so that the matter could be more fully looked into. There seemed at present to be some confusion as to the facts of the case, which should be removed before dealing with the matter. So far as he could gather, the facts of the case were, that the Legislature of Nova Scotia, before Confederation, incorporated a Company called the "Houlton Branch Railway Company," to make a railway from the St. Andrew's Railway to the Province line; that the State of Maine incorporated another company, composed, however, of the same individuals, and with the same end, and they were two distinct corporations. The town of Houlton, in the State of Maine, offered the American Company \$30,000, and the town of St. Stephens offered the New Brunswick Company \$15,000. If the New Brunswick Legislature had the power to grant a charter to the Company, and it existed at Confederation, he could not see why the town of St. Andrews should not contribute to the line, although it was known that the line would connect with a foreign line. He spoke of course with great hesitation in view of the decision of the Supreme Court; but he could not see how the act was invalid, for if the original charter was valid, he did not see why the Legislature of New Brunswick could not authorize the town of St. Stephen to help the railway.

Mr. A. J. SMITH said the act authorizing the aid distinctly cited that the railway was from New Brunswick to Houlton.

Hon. Mr. BLAKE said that there were

several cases in Ontario which, if the legislation in the case in question were illegal, were also illegal. The Grand Junction Railway and several others were cases in which companies having been incorporated by the Dominion Parliament, municipalities had been authorized to aid by the Local Legislature.

Hon. Mr. WOOD said the judgment was on the ground that the work was a Dominion work and could not be helped by the Local Legislature, and he held that the Court was entirely wrong; for, suffering the judgment to be correct, the Minister of Justice would see that the whole railway legislation of Ontario would be swept away.

Hon. Mr. MACKENZIE.—There was still a more serious point in the consideration of railways about to be built. He instanced the Kingston and Pembroke Railway, which, he said, could not be built without aid from the municipality, and therefore, if the judgment of the Court of New Brunswick were upheld, the people interested in that and similar undertakings would doubt whether they could proceed with the proposed work.

Hon. Col. GRAY said that in the present case the Company was incorporated before Confederation.

Hon. Mr. MACKENZIE said that made no difference. If the judgment were upheld it must apply all over the Dominion.

Mr. A. J. SMITH said in the present case it was not a municipality, but merely a portion of St. Stephens, which had no legal existence previously.

Hon. Mr. BLAKE said that this made no difference, as before Confederation municipalities had no power to make money grants to railways, but only to lend money or take stock.

Hon. Sir JOHN MACDONALD said the parish was not a municipality, and that certainly made a difference, because the whole argument of the hon. gentleman as to the want of power in the Dominion Government to extend power to municipalities in this respect would fall to the ground. The judgment seemed to be on the ground that, as the line was one running into a foreign country, the Local Legislature could not act in the matter.

Hon. Mr. WOOD said that would apply to other railways. The judgment was simply on the ground that it was a Dominion work.

Mr. MILLS said that if the Minister of Justice examined the judgment, he would see that it referred to the railway extending beyond the boundaries of the Pro-

vince, merely to show it to be a Dominion work.

Hon. Sir GEORGE CARTIER said it would be remembered that when the Railway Act passed, the question of municipal aid was specially left to the Local Legislature.

Hon. Mr. BLAKE said in that view the judgment was bad.

The bill was then read a second time and ordered for committee on Monday next.

TELEGRAPH COMPANY.

Mr. FORTIER moved the second reading of the bill to amend the Act to incorporate the Canadian and European Telegraph Company, which was carried, and the bill was then passed through committee, and read a third time and passed.

HARBOURS.

Mr. BOLTON asked whether it was the intention of the Government to introduce a bill during the present session to control the management of harbours and provide for the appointment of harbour masters in the Province of New Brunswick, the present provincial law on the subject being entirely inoperative.

Hon. Dr. TUPPER said it was not the intention of the Government to provide during the present session for harbour masters in that Province.

JUDGE BOSSE.

Mr. GEOFFRION, in the absence of Mr. Fournier, moved to refer the petition of Prudence Titz and others, respecting Mr. Justice Bosse, to a committee of seven members. He said he thought that a report might be obtained from a committee so that the House could act in the matter.

Hon. Sir JOHN MACDONALD said it had been understood that the matter should stand over until the petition was printed. The question was a serious one, affecting a Judge, and should not be proceeded with until the petition was before the House.

Hon. Sir GEORGE CARTIER said Mr. Fournier had agreed to delay the matter until the petition was printed.

Hon. Mr. BLAKE said that the Government ought to assume the responsibility of the matter. The acts complained of were not disputed, and if the Government did not act the evil would remain until another session, and the Government therefore ought to decide whether they would not take charge of the matter and see the evil complained of remedied. If

Hon. Mr. Blake.

they would not do this the matter should be pressed by the House, but if the Minister of Justice would promise to deal with the matter he would be satisfied.

Hon. Sir JOHN MACDONALD said they all had the same object in view; first, to see that the administration of Justice was correctly carried out, and secondly, to extend due protection to Judges in the performance of their duties, while in no way shielding them when in the wrong. He was not aware what was contained in the petition, but presumed it might be before the House at any moment.

Hon. Mr. MACKENZIE said that unless the House had decided that the member himself should pay for the printing of the petition it was an idle farce, for the Printing Committee had not met for a fortnight, and all printing was behind hand.

Hon. Sir JOHN MACDONALD said the remarks of the member for West Durham were perfectly reasonable, and if the matter were allowed to stand over he would look into the question and give an answer on the morrow.

The motion was allowed to stand.

It being six o'clock the House rose.

AFTER RECESS.

COLLECTORS OF CUSTOMS.

Mr. COFFIN moved an address for correspondence on the protection of the revenue on the coasts and harbours of Nova Scotia. He desired to impress upon the House and the Government the necessity which existed for a more complete customs organization than was in force in Shelbourne and several of the neighbouring counties in Nova Scotia. From these places a large trade was done with the United States, and the difficulty and delay which were now experienced in reaching the custom house extended a premium to the illicit traffic which so largely existed in the neighbourhood. He expressed a strong belief that the revenue receipts would be greatly increased by the establishment of more custom houses.

Hon. Mr. TILLEY said he was not aware of any correspondence having passed between the Dominion and Local Governments on the subject. The only correspondence that had occurred was with officers of the Government in reference to additional appointments for the protection of the Revenue. The Government had decided to make a few additional appointments which he thought would be quite sufficient to protect the revenue. Whatever papers there might be upon the subject would be brought down.

The motion was carried.

LAKE HURON HARBOURS.

Mr. SPROAT, in moving for an address for correspondence referring to the harbours of Port Elgin and Inverhuron, said that he regarded these as of being two the most important commercial ports on Lake Huron, whose interests had been to some extent overlooked in the past. He might mention with regard to the port of Inverhuron, that a great portion of the works in the harbour had been constructed by the aid of a grant from the Government in former years, and a considerable amount to supplement these grants had also been voted by the municipal authorities from time to time. He found, however, that owing to a want of means to keep them in proper repairs the works were now falling into a very dilapidated state, and he thought if the Government looked carefully into the matter they would find that the large amount that had already been expended would easily be made productive by a small additional appropriation. (Hear, hear.) By an Order in Council, dated 29th March, 1870, the harbours of the Dominion had been divided into four different classes, and in making that division he thought the Government had acted wisely. The second of these classes consisted of "Harbours, the construction improvement or repairs of which are matters of both general and local interests, and for which the Dominion Government might defray not exceeding one half the expenditure on condition that the remainder were provided from other sources." Now he thought it a point worthy of mention with regard to the harbour of Port Elgin, that there had been a total expenditure upon it of more than \$30,000, only \$4000 of which had been received from the Government. He was authorised to say that, if any further grant was made by the Government under the authority of Parliament, of any amount not exceeding \$20,000, the spirited and enterprising inhabitants of Port Elgin would be prepared to make an equivalent appropriation. (Hear, hear.) That being the case, it was clear that the work of harbour improvement was a matter that excited a good deal of local interest. It was not, however, merely a local work, for the harbour was one of general importance to the trade of the country. There were several reasons which might be adduced for this; but the fact would hardly be questioned when he stated that for many years past a large amount of grain had been annually shipped from that point, and that at the opening of navigation this spring, there had been no less than a quarter of a million of bushels awaiting shipment.

When he mentioned that fact, he thought, he might safely assume, and the House, he was sure, would agree with him, that it was a port not only of a local but of general importance to the country. (Hear, hear.) He might also mention that one of the main trunk lines of railway in that part of Ontario, a railway which he would venture to predict would be one of the main trunk lines in Canada ere long, was now in process of construction, and would be completed to Port Elgin before the end of July next. That line would be one of the principal arteries of trade in that part of the country, and when completed would, he had no hesitation in saying, form one of the great lines of traffic through the western peninsula of Canada to the great North West. He felt sure he had only to draw the attention of the Minister of Public Works to this subject in order to elicit that gentleman's sympathy and aid, for he had always shown great willingness to render assistance in matters of this kind when they were properly presented to him. If the hon. gentleman would look carefully and thoroughly into the subject, he would find that the statement he had made with regard to the value and importance of these harbours was borne out by the facts, and that the harbour was one of grave importance. He was sure the hon. gentleman would act in the future as he had in the past, with a due regard to the public interests, and that in doing so he would arrive at the conclusion that the harbours of Port Elgin and Inverhuron were such as in the interests both of the immediate locality and the public at large should be improved and protected. (Hear, hear.)

Hon. Mr. LANGEVIN said he had nothing to add to what the hon. gentleman had so forcibly stated with regard to these harbours. He could only say that the papers would be brought down, and that the hon. gentleman might rest satisfied that the matter would be considered by the Government with every regard to the requirements of the public service. (Hear, hear.)

The motion was carried.

SUPERANNUATION FUND.

Mr. JOLY resumed the adjourned debate on the proposed motion that the House do resolve itself into Committee of the Whole to consider a resolution respecting the Superannuation Fund. He said that, as he had stated the matter at some length when he had brought it before the House on a previous occasion, he would now only sum up his remarks. He then proceeded to argue that the surplus of fifty thousand

dollars, which would be at the credit of the Superannuation Fund on the 30th June, should be used in some way to benefit the civil servants in a more complete and direct manner than could be done under the present system. He did not wish to say whether the funds should be returned to the employees, as had been done in England, or whether any insurance fund should be established therewith, which would benefit the widows and orphans of the employees.

Hon. Sir FRANCIS HINCKS said the hon. gentleman rested his point entirely on the statement that the deduction from the employees under the present system was oppressive. He (Sir Francis) contended that it was yet too early to say whether or not such was the case. The present large surplus on hand was caused by the fact that, for many months after the system went into force, there had been no cases of superannuation whatever. The larger the surplus on hand the larger would be the amount paid to the employees who were superannuated. He hoped the House would sustain the Government in opposing the motion of the hon. member.

Mr. JOLY asked what the hon. member proposed doing with the unexpended balance which would not be required by the Government for the use of the widow. This excess was collected from the compulsory contributions of the public servants, and he thought it only fair that they should get the benefit directly.

Hon. Col. GRAY said that the whole public should bear the expense of this superannuation, instead of the class upon whom it now alone fell. The public servants discharged most important and onerous duties, and were paid at the very lowest rates, and were kept at these low salaries notwithstanding the increase in the price of all the necessaries of life. Labourers and workmen in the streets were manifestly paid at better rates than the civil servants. The general public benefitted by the service of these people and the unfortunate position in which they were placed, and it should therefore pay for the advantage it derived therefrom. The country's finances were in a sufficiently prosperous state to bear all its rightful obligations in this respect, and he could see no reason why some plan such as was submitted by the hon. member for Lotbiniere should not be adopted. He believed that an employee after long years of service should be superannuated on a sufficient allowance but he maintained strongly that it was the general public and not the employees themselves that should pay this superannuation.

Mr. Sproat.

Hon. Sir G. E. CARTIER concurred in the opinion of the hon. member for St. John that the civil servants were a most industrious, capable and laudable body of men; but still the House could not lose sight of the fact that there was only about \$7,000 difference between the receipts and expenditures in the superannuation fund. He was told on the best authority that by the end of the next half year it was not unlikely that the demands upon this fund would exceed the income. There had been in the service several old and faithful servants who, from their great age, could not properly discharge their duties. These officers had been superannuated by the House, and the Government had been authorized to reimburse themselves by a charge of a certain portion upon the salaries of younger employes. This system had been in force some three or four years, and under it several employes had been superannuated and younger men substituted. The service had been thereby much benefitted, and at the same time the remaining employes had been made safe from the knowledge that they would not be left without a fitting livelihood. If it was found, in the course of a few years, perhaps next year, that the present rate of four per cent charged upon the salaries of civil servants was too high, the House would have the remedy in its own hands, and could reduce the rate; but he maintained that the plan had not yet been fairly tried. Matters should be left at present as they stood, and next year the new parliament might act as it pleased.

Mr. BURPEE agreed that it would be better to leave the matter in its present condition at present. He had objected to the superannuation act at the first, as he did not believe it to be fair in its operation, and did not think that the time of service before Confederation ought to have been taken into account. He should vote against the resolution.

Mr. CURRIER thought it unjust and hard to deduct four per cent from the salaries of the Public Servants, but on the contrary four per cent ought to be added. He thought it would be better to reduce the percentage to two and a half per cent. than adopt the suggestion of the member for Lotbiniere.

Hon. Sir FRANCIS HINCKS said it would take three and a half.

Mr. JOLY—What about the \$50,000.

Mr. CURRIER said expenses had increased very much since the service was removed to Ottawa, and the salaries were not adequate.

Hon. E. B. WOOD differed entirely from a regular system of pensions from the gen-

eral revenue, and did not think the House would ever concur in such a plan, and the Minister of Finance had never had the audacity to propose it. If the system were adopted why not extend it to the outside service, and in fact why not pension off the whole country. (Laughter.) It was said the civil service had served the country well; so did the members of the House; so did the merchants, the farmers, and the mechanics of the country. He bore testimony to the zeal, assiduity, and ability of the members of the Civil Service; but they were not more than many he knew in mercantile establishments, who were harder worked and not so well paid. If Civil Service gentlemen were so ill treated they should leave and not sacrifice themselves to the good of their country.

Mr. JACKSON agreed with the Minister of Finance that some fund should be provided for superannuation, and thought no better arrangement could be made than the act now in force. Until the plan had been longer tried it could not be decided what rate really was sufficient. He therefore moved "that in the opinion of this House it is not expedient to alter the provisions of the act relating to the superannuation of officers during the present session, but that that object should engage the attention of the new parliament."

Mr. JOLY said the amendment was out of order. His resolution in no way affected the superannuation law. The question was in no way a party one, and the amendment was merely to avoid a direct vote.

The SPEAKER ruled the amendment in order.

Hon. Mr. MACKENZIE could not vote for the amendment, as it pre-supposed a necessity for action next session. If there was any such necessity it ought to be dealt with at once. The motion of the hon. member for Lotbiniere ought to be met directly. He believed the present rate too high. He referred to a case in which it had been claimed that a person in New Brunswick might be superannuated on account of services paid by fees, and maintained that such was not correct under the Act.

Mr. JACKSON said his motion was simply to defer the matter until it could be ascertained what rate was really necessary.

Hon. Sir FRS. HINCKS, in reply to Mr. MACKENZIE, said he had explained that in many cases in New Brunswick and Nova Scotia persons occupied the same position as others in Ontario and Quebec, though the former were paid by commissions and the latter by salary. In the case in question, had the appointment been made after

Confederation, it would have been on salary. As a rule the Act had no reference whatever to Commissioners. Many attempts had been made without success to establish a system of superannuation, and the Government knew the House would never allow a system founded on the revenue. The system had been tried in England and in other countries. He thought it premature to make any change as no greater reduction than a half per cent. could be made, and it should be left a longer time before any decision could be arrived at.

The amendment was then declared carried on a division.

DUAL REPRESENTATION.

Mr. COSTIGAN moved the House into committee on the Act to compel members of the Local Legislature in any province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament. The House went into Committee, Mr. Morrison, (Niagara) in the chair.

Mr. COSTIGAN moved the first clause.

Hon. Mr. BLAKE said there were some imperfections in the Act which it was necessary to amend before the object which the hon. gentleman had at heart would be attained. He spoke of the provisions of the law in Ontario, and said that, under the proposed bill, no member of the Legislative Assembly was disqualified from the House of Commons, for any member might be elected at the next election, and he might retain his membership during the whole Parliament, and unless he sat and voted he would not be disqualified from the Ontario House. There were also some matters of detail in which the bill should be amended. It provided that the candidate should hand to the returning officer a certificate of the proper officer that he had resigned his seat in the Ontario House. That would be inconvenient in two ways; first, the candidate himself might be unable to hand a certificate to the returning officer; and second, the House had no power to compel the Speaker of the Ontario House to give such a certificate. He suggested a change, that the provisions should be that the returning officers should be placed in possession of a declaration, signed by the candidate, that he had resigned his seat.

Hon. Mr. WOOD considered that the Bill gave the returning officer too much power. He thought the Minister of Justice ought to take this matter in hand, and not allow any clumsy legislation on it. He suggested that the committee should rise, and hon. members on the

Treasury benches should consult and put the bill in better shape than it was at present.

Mr. ANGLIN pointed out what he considered imperfection in the Bill.

Mr. MILLS said he objected to the principle of a majority of electors entirely losing their votes on account of voting for a disqualified candidate, and cited English practice to show that the votes for a disqualified candidate should be also regarded as against his opponent. It was quite enough that elections should be declared void.

Hon. Mr. WOOD asked if the House was to adopt so important a measure without knowing the amendment.

Hon. Sir JOHN MACDONALD said the third reading need not be pressed.

Hon. Mr. WOOD moved that the committee should rise and ask leave to sit again.

On this motion the numbers were counted—Yeas, 34; Nays, 37.

The Committee rose and reported the Bill as amended.

CLAIMS AGAINST VESSELS.

Mr. KIRKPATRICK moved the House into Committee to consider a resolution declaring it expedient to make further provisions for the collection of demands against vessels navigating certain lakes and inland waters of Canada, Mr. Ryan in the chair.

Mr. KIRKPATRICK referred to the British North American Act to show that the matter came within the jurisdiction of the House. He explained the object of the resolution, which would operate beneficially for the whole fishing interest. As to the question of the matter affecting civil rights, he stated a case in which the opposite had been maintained, and said he also had the authority of the present Attorney-General of Ontario in support of the position he took, and also that of the member for Toronto West. The principle of claims against ships had been recently assented to by the Banking Committee of the House, in allowing banks to hold liens on ships. The Act would also allow a lien on ships on account of commissions, and he thought it very desirable that the principle involved should be allowed by the committee.

Hon. Col. GRAY said even throughout the Admiralty Courts there was no claim against the ship itself, and the question was whether the proposition would not give privileges to certain clauses which were opposed to Imperial policy on the subject. It was going rather far to give

Hon. Sir F. Hincks.

to an ordinary court the power of impounding a vessel, though it might seem hard that a seller should have no security for his sales. He did not desire to oppose the measure, but doubted whether it was constitutional, and thought it interfered with civil rights, and belonged to the Local Government.

Hon. Mr. MACKENZIE agreed with the principle, but was convinced it did not come within the jurisdiction of the Dominion Parliament. The hon. gentleman's object would probably be attained by moving in another quarter. He asked that the matter might stand till another day, when the member for Chateauguay would be present.

Hon. Mr. E. B. WOOD said Banks had only power over ships in accordance with the laws of the Maritime provinces. Some time ago the member for Toronto West introduced a Bill respecting Bill of Lading, but the Minister of Militia objected that the matter belonged to the Local Houses, and was sustained, and the Ontario House subsequently passed it. He maintained that this case was still more clearly within the purview of the Local House as affecting civil rights.

Mr. STREET thought the jurisdiction should be settled before there was any further discussion. He thought a discussion would come up more properly on the Bill being before the House. He considered that the principle involved was correct, and the privileges asked for should be given. The shipping interest was very important, and should be protected as much as possible. The matter was provided for by the Admiralty Law in the Maritime Provinces, but such was not the case in Ontario, and the matter should be dealt with by Act of Parliament. The law had worked very well in England, and it gave great satisfaction. That Canadian ships could be detained there, while in the case of ships coming to Canada there was no recourse except against the captain. The matter should go further and include claims for towing, and he moved that that provision should be added.

Mr. KIRKPATRICK said if the resolution went through, objections could be taken on the third reading.

Hon. Mr. MACKENZIE asked whether the Minister of Justice was satisfied that the matter was within the jurisdiction of the Dominion Parliament.

Hon. Sir JOHN MACDONALD said the matter was difficult to decide, and he would like to reserve his opinion until he saw the provision of the Bill. The matter was important, and had been pressed upon

Parliament again and again, and the resolutions might be adopted.

The Committee rose and reported the resolution as amended.

Mr. KIRKPATRICK moved to introduce a Bill founded on the resolution. Carried, and the bill was read a first time.

QUARANTINE.

An Act respecting Quarantines was received from the Senate and read a first time.

RIVER SYDENHAM.

Mr. STEPHENSON moved the second reading of the Act to amend the Act, chapter 47, of the Consolidated Statutes for Upper Canada, intituled "An Act respecting rivers and streams." He explained that the object was to place the River Sydenham in the same position as other streams mentioned in the Act referred to.

The second reading was carried, and the House went into committee, Mr. Baker in the chair.

Mr. MILLS called the attention of the Minister of Inland Revenue to the bill. He (Mr. Mills) had introduced a similar bill some time ago, but that Minister suggested that it should be sent to the Committee on Banking and Commerce, and doubted also whether the motion was in the power of Parliament.

Mr. STEPHENSON said the two bills were entirely dissimilar.

Hon. Sir JOHN MACDONALD did not remember Mr. Mills' Act, but the present was clearly in the power of Parliament.

Mr. MILLS said his bill was the same as that now before the House.

The bill passed through committee, and was read a third time and passed.

DEFEATED.

Mr. BECHARD moved the second reading of the Act to detach a part of the Parish of Lotec Damas des Auges from the County of Missisquoi, and to attach it to the County of Iberville for electoral purposes.

After some conversation in French, Mr. Baker said the arguments had no force whatever, and he had received from all parts of Missisquoi remonstrances against the dismemberment of the county. He moved that the bill be read a second time this day six months. The amendment was carried on a division.

CRIMINAL STATISTICS.

Hon. Col. GRAY, in absence of Mr. Harrison, moved the second reading of an

act to provide for the collection of criminal statistics. He said the provisions were founded on acts in England and Scotland. He quoted criminal statistics showing that in March, 1871, there were 634 convicts in Kingston Penitentiary, 39 in Nova Scotia, and 29 in New Brunswick. He then gave some of the details to show the accuracy of the statistics desired and said it was proposed to place the latter in the hands of the Minister of Agriculture. He had received a suggestion that the Clerk of the Peace should make the returns instead of the Sheriff.

Hon. Mr. MACKENZIE said there were some objections to the bill which the Minister of Justice would see at a glance, in addition to which the bill was out of order, as fees would be required to pay for the statistics, and could not originate from a private member.

Hon. Sir JOHN MACDONALD said that it did not follow that because one particular clause was objectionable the whole bill was so. He thought it unadvisable that the Government of the Dominion should throw work on Dominion officers, but it could not be avoided as it rested with the Dominion Government to obtain the statistics, and they could not get them except through the medium of the Provincial officers. He thought, however, that the bill should not be pressed, but that the matter should be left to the Minister of Agriculture.

Hon. Mr. BLAKE maintained the bill to be out of order. As regarded, however, the objections of employing Provincial officers, the hon. gentleman had passed many bills which offended against the principle he found so serious the other evening. He (Mr. Blake) maintained that the Dominion had power to command any service from any person in the Dominion necessary for the public interest. He argued, however, that the measure should be left to the Government.

Hon. Col. GRAY then withdrew the bill and the order was discharged.

DIVISION.

Mr. CAMERON (Inverness) moved the second reading of the bill to divide certain districts in the County of Inverness, Nova Scotia, and to provide for voters' lists therefor. Carried.

The House adjourned at 11:45.

Hon. Col. Gray.

SENATE.

TUESDAY, May 28, 1872.

The SPEAKER took the chair at three p.m.

CLASSIFICATION OF MASTERS AND MATES.

Hon. Mr. FERRIER asked whether any and what arrangements have been made by the Government, for opening schools of instruction in relation to the classification of Masters and Mates, the number of candidates which have been examined and passed, stating how many have passed as Masters and how many as Mates, and the place where these examinations were held? Also the number of light houses and fog whistles established by the Department of Marine and Fisheries? In making the enquiry, the hon. gentleman took occasion to refer to the efficiency with which the hon. Minister of Marine conducted the affairs of his department.

Hon. Mr. MITCHELL thanked the hon. gentleman for the expressions of approval which he had given to the management of the Department, and went on to say that it was a great satisfaction to know that the commercial community of Canada appreciated the efforts of the Government to give every facility for the prosecution of trade and commerce. With respect to the information asked for, he stated that there were schools now in operation at Quebec and St. John, and one would be immediately opened at Halifax—the gentleman in charge would receive \$300. The number of candidates examined and passed was 109, since 1st of July last. Eighty-nine had passed as masters and twenty as mates. He explained that there were two classes—one of competency and the other of service; any person who was a master or mate prior to the passage of the Act could get a simple certificate of competency, but these certificates did not give the same rights which the certificates of the other class gave them. These certificates were recognized in the same way as the highest class of British certificates. Since 1867 the number of light houses constructed or under contract was 82; of fog whistles 10.

PILOTS.

On motion of Hon. Mr. FERRIER, the House agreed that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before the House, a copy of any correspondence which has taken place between the Department of Marine and Fisheries and the

Imperial Board of Trade, in London, relative to the relaxation of the Rules and Regulations relating to the granting of Masters' certificates of competency to Pilots of the Lower St. Lawrence.

THE TREATY OF WASHINGTON.

Hon. Mr. CAMPBELL said—The bill which is now submitted for the consideration of the House is for the purpose of enacting those laws in Canada which are necessary to give effect to those portions of the Treaty of Washington that affect the Dominion. The provisions of the bill are of a very simple character. They provide for the suspension of all acts which prevents the inhabitants of the United States from taking fish on the coasts of the Provinces of Quebec, New Brunswick, and Nova Scotia; for the free importation of fish oil and fish of all kinds except fish of the inland lakes into Canada; for the transmission of goods, wares and merchandise from one part of Canada to another, while in transit to the United States, under such rules as the Governor in Council may prescribe; also, for the admission of United States vessels into the advantages of the Canadian coasting trade provided the articles to be carried pass over certain portion of the United States by land. The whole bill is, by the last clause, to come into force only after the Proclamation of His Excellency the Governor General to that effect. It is impossible to approach the discussion of the Washington Treaty without being alive to the consciousness that everything which relates to it has been discussed at great length and with great ability, almost if not quite in the hearing of every gentleman present. Undoubtedly by reason of these discussions, very much interest has been taken on this subject; but nevertheless it is my duty on behalf of the Government, in submitting the bill to the consideration of this branch of the Legislature, to give an outline of the circumstances which have led to the Treaty and the legislation which is sought to be passed by this House. Hon. gentlemen are aware that on the termination of Reciprocity it became the policy and duty of the Government to go back to the exclusive rights of fishery which Canadians enjoyed within three miles of their coast. It was at the time doubtful whether it was advisable to do that absolutely or whether in order to avoid disputes we should limit the absolute use of our undoubted rights with respect to those fisheries. The counsels which tended in the direction of giving the Americans admission to our waters under some restrictions prevailed, partly on the advice of the Im-

perial Government and partly through the sense which the Canadian Government felt of the responsibility involved in seeking to press extreme rights. In consequence of these considerations the system of licensing was adopted for two or three years. That system had these two merits, it involved a complete acknowledgment of the right of Canada to the three miles' limit; and secondly, it prevented the danger of collision between the fishermen of the two countries. During the first two years the American fishermen took out licenses very generally. The license fee was small, and the Americans did not attempt to any large extent to evade it. Subsequently we found that the licenses were not asked for and that the American fishermen did come within the three miles' limit of our shores. Considerable feeling was excited among our people by the disregard of our undoubted rights, and it became the duty of the Government to consider what was best to be done. It was desirable that, if possible, we should arrive at some satisfactory decision between ourselves and the United States with respect to the limit of exclusive fishing rights. It was believed that were the whole question submitted to an arbitration and a decision arrived at on the subject, there would be no difficulty in enforcing by means of our own police schooners and vessels of the Imperial Government, these enactments so far as they were applicable to the fishing rights of Canada within the three miles, limits. We approached the British Government with the view of obtaining that end. We thought our object might be attained by referring the question to a commission mutually named by the two countries. The British Government were at that time ready to make representations to the United States on the subject and promised to do so. Before those representations were made other difficulties which existed between the two countries presented themselves to the Imperial Government, and demanded also consideration at their hands. These new difficulties were those which grew out of the Alabama claims, and had become of Imperial interest, and it so happened after the Canadian Government made their request for the settlement of these fishing rights, a proposition was made for the arrangement of these and other matters between the two countries. Up to this time the Government of Canada had desired simply the settlement of the rights for exclusive fishing. We had also made strong representations as to the losses which had been inflicted upon this country

by the Fenian invasions. Those representations had also met with attention at the hands of Her Majesty's Government, and it was also understood that representations would be made to the American Government upon that point. That subject accordingly passed at that time I have mentioned into the consideration of the Imperial authorities, and was included among the matters which they proposed submitting to the Government at Washington. During the negotiations at Washington an effort was made to separate those questions which more immediately affected Canada from those of Imperial interest, but that was found impossible; and then the general result followed of the adoption by the Commissioners of the Treaty, to which this bill gives effect so far as it concerns Canada. It will be seen from the whole course of the proceedings, the Government of Canada had distinct objects in view which they attempted to have settled without reference to other disputes. They attempted to obtain these objects by having a separate decision in the first instance on the limits of exclusive fishing and on the Fenian claims, and secondly on these questions whilst the Joint High Commission was sitting at Washington, by dealing separately with those which immediately affected Canada. I do not understand from anything that has transpired elsewhere, or from the newspapers that up to this stage of the matter any adverse criticism had arisen with reference to the conduct of the Government. After the results of the Treaty became known very serious objections were taken to the course pursued by the Government. These objections were of a threefold character. In the first place, objections were taken as to the inconsistency of the Government as developed in the minutes of Council which were sent to England with respect to the Treaty. Another objection was taken with reference to the direct responsibility of the gentleman who was a member of the Commission and also a member of this Government. The objection was urged that his responsibility was to the people of this country, and that under these circumstances he was not justified in signing the Treaty. The third class of objections was as to the merits of the Treaty. With respect to the objection—regarding the responsibility of Sir John Macdonald—I think that has lost all its interest and need not be discussed inasmuch as the Government of which he is the head has asked both branches of the Legislature to adopt the Treaty which he signed. At present there is no use in discussing what is a merely theoretical question. As respects the

charge of inconsistency against the Government, because in the first place we objected to the Treaty in such strong terms, and suggested afterwards the mode by which it might be made more acceptable to the people of this country, I think that can be easily refuted. That objection is susceptible of easy explanation when one bears in mind the change which took place in the feelings of the country from one period to another. When the Treaty was originally signed there was a considerable feeling excited against it, arising out of several causes. In the first place there was a feeling that the right of common fishing had been given away over our heads—that the Parliament of Canada had not been asked beforehand whether they would or would not give up their fishing rights within the three miles' limits. The Government, representing the confidence of this Parliament and Country, had not been consulted, and consequently there was considerable feeling on the subject in every section. Again, the people of Canada felt that they had been unjustly treated with respect to the Fenian claims. Everybody knows that each of the Fenian invasions had been rendered abortive not by the exertion of the United States, but by the patriotic efforts of the people of this country. (Cheers.) If England appeared to give more credit to the United States than was their due, it arose in a great measure from the fact that the telegraph wires are in the possession of the Americans, and the news of the invasion and movement of the United States Government to arrest the Fenians reached England simultaneously and created the impression that their interference was really more prompt than it was. Under those circumstances, knowing the great losses which had been inflicted upon the country, we were anxious that the Fenian claims should have been dealt with at Washington, and indeed we had the promise of the Imperial Government that they would be considered. When we found that the letters which had passed between Lord Kimberley and Sir Edward Thornton were not sufficiently comprehensive to include these claims, the people of Canada were exceedingly dissatisfied. They were dissatisfied also because they believed the consideration which was given for the fisheries was inadequate. They had been desirous of obtaining Reciprocity, but that was not given in its entirety by the Treaty; and I think when the first Minutes of Council were written they represented the feelings of the people very correctly. Time passed on and opportunity was given for that sober second thought which often

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leads to the safest conclusions on questions. In the first place, we supposed that those engaged in the fishing trade were against the Treaty, but we found in the course of time that the Maritime Provinces were decidedly in favor of the measure; and that has now been conclusively proved by the vote given in the other branch by the representatives of those provinces. When we found that the feeling of dissatisfaction was disappearing, that those most affected by the Treaty were ready to accept it, a new view of the case was submitted to the Government, and justification afforded for the language used in the second of these despatches to which reference has been made with the view of showing the inconsistency of the Government. There remained, however, the Fenian claims and we submitted a proposition with respect to those claims which we hoped would enable us to satisfy Parliament. It has been said by some English newspapers that the British Government should either have enforced those claims or refrained from giving us any consideration for them. I am not prepared to say that I concur in that view. It is, of course, the bold and magnanimous view; but at the same time there is a great deal of consideration due to those great topics which affect the peace of nations. If it was believed that these Fenian claims could not be enforced without endangering the peace of the two countries, it was a wise, although it may not have been a bold thing, not to have pressed them. I do not think the people of this country are open to any accusations or imputations because they accept this guarantee. We had a fair claim for compensation for the damage we suffered from the Fenian invasion. We had discharged our obligations towards the United States—we were living quiet, peaceable lives—showing no disposition whatever to be aggressive, when from time to time these Fenian raids took place and the country was put to a large loss of life and property. When Great Britain, for Imperial reasons, refused to press the claims of Canada, there was no reason either in morals or good sense why the people of the country should not ask Imperial Government to give such compensation as would satisfy us in some measure for the losses we had sustained. In the next place, as to the merits of the Treaty, I apprehend when we look at the vote elsewhere, we have a strong indication as to the feeling of the country at large. The merits of the measure were there discussed at length, but I think this is remarkable that those members of Parliament who come from the Maritime Provinces

and who are best able to form opinions upon that part of the Treaty which affects the Fisheries, are for the most part—particularly those representing fishing counties—favorable to it. Amongst others I was particularly struck with the speech of one of the members for Halifax, who spoke with a great knowledge of the subject—engaged as he has been for many years in the fisheries—knowing all the circumstances of the trade before 1854 down to the present time; and his arguments were particularly strong in favour of the adoption of the Treaty. I may say here at once that there is no giving away of Sovereign rights—we have admitted the United States to a common fishery for a certain period and certain conditions, but when that period expires we can if we wish have our rights restored. Under the old Reciprocity Treaty, and the licensing system, the American fishermen were giving away our Sovereign rights. It must be borne in mind that there is in the Treaty an acknowledgment of the right of fishing within the three miles limit to be exclusively our own. And this right will revert to us exclusively at the expiration of the period of twelve years allotted for the duration of the Treaty. A good deal has been said with respect to the navigation of the St. Lawrence. By the comity of nations the St. Lawrence is open to the world as far as Montreal, and the United States in consequence of owning the country alongside of us have the right of navigating the great lakes as far as St. Regis. What has been done under the Treaty is to give them the right of navigating the river between St. Regis and Montreal; they cannot well use it unless they pass through our canals, and we do wish to see their ships pass through the St. Lawrence and our canals, and the wealth and prosperity of Canada in that way enhanced. In giving up our fisheries we acquire from the United States advantages of very considerable moment. In the first place they do not pretend that the fishing rights which they give us are equal in value to those which we give to them. An arbitration accordingly is arranged by which the difference between the respective concessions may be ascertained and paid to this country. I have no doubt in my own mind that the Minister of Marine and Fisheries will be able to make out a very strong case with respect to the value of these fisheries. Then there is the bonding system, which is of great value to both countries, and if it had not been continued by the Treaty, Canada would have been seriously inconvenienced. Irrespective of these advan-

tages the feelings of the people of this country changed very much on account of the knowledge that great importance was attached by the Parliament and people of England to a solution of the difficulties between Great Britain and the United States. We felt that the people of England were actuated in a great measure by the consideration that no part of Her Majesty's Empire had a deeper interest in the peaceable adjustment of the difficulties than Canada herself. We knew that the people of England were making some sacrifices of national pride, which Englishmen feel as much as any other people, when they agreed to accept the Treaty for the sake of peace, and above all for the sake of this part of the Empire, (applause.) Then there grew up in this country a desire that we should reciprocate the sentiments displayed by Great Britain, and make any reasonable sacrifice in order to carry out a Treaty which was matured in the interests of the whole Empire. Since these transactions took place we have had remarkable evidence of the importance attached to the preservation of the Treaty both by Great Britain and the United States. The history of the indirect or consequential claims is pretty well known to us all, and we have witnessed the earnest desire of the people and of the statesmen of both countries, that the ill-considered advancement of these claims should not be allowed to break up the Treaty. We have seen the anxiety of the Government of England, whilst refusing absolutely to admit that these claims could be considered by the Geneva tribunal, to arrive at some arrangement by which they could be withdrawn without offence to the sensitiveness of the people of the United States. We have seen also the forbearance which the Opposition in England has shown during the whole course of the negotiations which we believe are now drawing to a satisfactory close. All parties have acted calmly and patiently, and there has been a sacrifice of some national pride on both sides. It has undoubtedly been very difficult for the United States to recede from the position which the case submitted on their behalf had taken up with reference to the consequential damages, and so on the part of both these nations, sacrifices have been made with the sole object of giving this Treaty effect, and as to the course that Great Britain has taken, I think it beyond doubt, that it has been very much actuated by regard to the position which she occupies on this continent. I am quite sure that this House fully understands the magnitude of the interests involved in the

satisfactory adjustment of all differences between the United States and England and I hope hon. gentlemen will unanimously agree to pass this bill, the second reading of which I now beg leave to move.

Hon. Mr. LETELLIER DE ST. JUST.—I must say at the outset that I feel rather embarrassed in rising to address the House on a question which has already been so fully discussed, but I believe we should not allow the present occasion to pass without expressing our opinion on a subject of so much importance. I regret that I cannot accept as correct the views expressed by the Hon. Postmaster General. I certainly join in the expression to which he gave utterance of the necessity of securing by the best mode in our power a lasting and honorable peace between the two great nations who might have been embroiled in war by the Alabama difficulty. I am not, however, prepared to admit that war would arise were the fishery portions of the Treaty to be omitted. If there were such danger no Canadian would hesitate to give his assent to this part of the Treaty. In my opinion, this portion of the Treaty does not interfere with the peaceable solution of the difficulties on other questions between the two great powers who are parties to the measure. The real question at issue was not one of our own—it arose entirely out of the policy adopted in England at the time of the American civil war. The people of the United States felt deeply aggrieved at the depredations caused by the Alabama and other cruisers. They were first laughed down when they made a demand for redress, but subsequently the Johnston Treaty was agreed upon. At that time the question of the fisheries was not taken into consideration. When the Johnston Treaty was passed, and we remember it was afterwards rejected by the United States, they thought they could settle it without going to the Dominion and saying "You shall have a share in this Treaty, you shall grant us your rights over the navigation of the St Lawrence." Subsequently a demand was made by our Government for the protection of our Fisheries, and indemnity for the losses we sustained from the Fenian raids. When the Postmaster General went on that mission he must have felt that he was not treated as a Minister of the Crown ought to have been. The replies of Lord Kimberley were certainly given with a harshness that this country did not deserve. However, we had to submit, and then ensued the proposition to the Washington

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Government to renew the negotiations which had been broken off between the two Governments for the settlement of the Alabama difficulty. The Minister of Justice was appointed one of the Commissioners, and I admit that the moment he accepted the position he separated himself from his colleagues and became an Imperial officer; but at the same time I cannot believe he could divest himself entirely of his position in Canada, or of the feeling that his Government would be to a certain extent responsible for his position. Now it is urged that the Treaty is a good one. It seems to me that it is a great deal like the other treaties passed between Great Britain and the United States; we have always had the worst of it. If we go back a good many years we see a large portion of our Western Territory was taken from the Colonies for the sake of peace. Later we find, in 1842, that a Commission was appointed to settle the question of the boundary of New Brunswick and Quebec; and here again a very valuable section of our territory was handed over to the United States. That Treaty was characterized in the Parliament of England as a sort of capitulation, because the United States obtained what did not belong to them. It was, besides, the mistake of British diplomacy that led to the difficulties connected with the Island of San Juan, and which have to be settled by an arbitration. I do not contend that we should not be placed in a position to assist England in her efforts to ensure peace with the United States, but I do say that when we are paying the full amount of her debt we should be treated in a different way. We ought not to see the Fenian claims disposed of in the way that was done on the Commission; for the moment they came before it, the reply was that they could not be considered—they were not named in the stipulations and must therefore be set aside as of no value whatever. Might it not then be said with truth that our rights had been sacrificed and the Treaty was a capitulation? In compensation we are to have a guarantee for £2,500,000, but that really amounts to nothing but the endorsement of a vote which would never be protested on the market, whilst we continue to enjoy our present prosperity. Then our territorial rights, the fisheries and the navigation of the St. Lawrence, have been ceded to the United States without adequate compensation. All that we are to receive for all we give up is the free entrance of fish and fish oil into the American market. The hon Postmaster General acknowledges that there was a clamor against the Treaty, but now it is all drown-

ed by the votes of the other House. I do not pretend to say that the result of the vote is not to a certain extent the expression of opinion of the country, but I do say this, if the Government examine this vote, they will find that certain sectional interests have been predominant. For instance, you will see a number of persons who are trying to get a free market for the only products of their country; and it is not strange that they should go for the treaty; but they must remember that they do so at the expense of the other portions of the Dominion. It is true that the majority is large, but it is formed chiefly by those members who are most anxious to obtain access to the markets of the United States. We know that an effort was made for a larger award; it was proposed by the American Commissioners, that fish, fish oil, coal, lumber, and salt should be admitted, but the result was that the British Commissioners said that they could not accept those terms until they conferred with their Government, and so valuable time was lost, for when at a later period they came to consider the question, they found the American Commissioners would not agree to the original proposition. The Americans then found the British Commissioners ready to accept any conditions that might be imposed upon them. The result was, that instead of obtaining free admission for the articles I have mentioned, they had to be satisfied with a market for a single commodity. When we consider the famous national policy of gentlemen opposite—that it alone was to give us Reciprocity, it is difficult to understand their present position. If we had allowed things to remain as they were, and not mixed up our questions with matters of deep Imperial import, we would be in a decidedly better position now; for I repeat my opinions that war would not have ensued from the fishery question. If any disposition had been shown by the United States to precipitate war on this country in case we rejected this part of the Treaty, I would believe there is a necessity for our accepting the measure; but nothing of the kind has been manifested. We do not see in all the correspondence on this subject between Great Britain and the United States that the position of Canada has been adverted to in the least degree. There must be an instinct of patriotism in the breast of every Canadian which must make us feel that our rights have been sacrificed. I do not say it is at present desirable, but I believe there must come a time when we must stand by ourselves. If we look at the press of the mother country we see that there is a

feeling that we are a source of difficulty to the mother country, in fact a source of weakness. Might not the time then come when the Empire will endeavor to get rid of the weakness? If we are such a source of difficulty I do not see why we should not take steps which would prevent the Empire from suffering loss. I do not say it is desirable to become independent, but it is in the future; for we cannot remain as we are but we must become a nation in the course of time. The days of our youth have passed, and when we consider the vast extent of our territory, the growth of our population, the prospects of immigration in the future, the incalculable value of our resources, we must see that the time must come sooner or latter when we shall be called upon to assume a higher position among the communities of the world. I do not say the time for this has yet arrived, but we can see evidence pointing in this direction. Suppose now, to return to the Treaty, we wished to enter into larger commercial relations with the United States, what would we have to offer them as an inducement? We would not have the Fisheries, for they would be granted in such a way that even when it comes to an end we will have little or nothing to say as to its renewal. This is our last chance of dealing with the question; henceforth it will be in the hands of Great Britain. If it is not her interest to renew the Treaty we will be deprived of the advantages we formerly possessed; and then difficulties and discontent must arise and perhaps bring about the very result to which I have been referring. It has been said that a certain portion of the Dominion must derive a great benefit from the passage of the treaty, but we know the indignation with which the news of its provisions was received at Fredericton, and the unanimous vote which was passed declaratory of the opinion that the measure was a bartering away of Colonial rights for the sake of certain Imperial interests without Canada receiving a sufficient equivalent. As respects Nova Scotia I admit that there is a certain class in favor of the Treaty because it gives them a free market for their fish; but the interests of the other Provinces are ignored. As time passes and the country more clearly sees the value of the rights that have been sacrificed, Parliament itself will be forced to declare that the Treaty is no benefit to the Dominion. I do not intend to ask the House to divide on the question, but I am, nevertheless, compelled by a sense of public duty to express my disapproval of a measure which hands over our most val-

uable territorial rights at the dictation of a foreign power because England wishes to settle her Alabama difficulties. In connection with this question let me give a short citation from a book, which has a bearing on treaties like the one now under consideration. "In 1773 by the Treaty of recognition of the United States, Great Britain did abandon the State of Illinois and other valuable territories which had been ceded by France to Great Britain in 1763. In 1818 the fisheries on the unsettled shores of Newfoundland and Labrador were abandoned gratuitously as well as our rights to a boundary line, the Mississippi. In 1842 by the Ashburton Treaty, which was styled by the public men in England, a capitulation, Great Britain gave up the Maine territory, then a possession of New Brunswick and of Lower Canada; in 1846, by the Oregon Treaty, the Columbia river and the Oregon territory were surrendered to the States, and in 1872 we surrendered the Island of San Juan, the Fisheries, the navigation of the St. Lawrence, and endanger the exclusive rights to our canals, and all that for the sake of peace. Are not all these Treaties leading to the total sacrifice of the Canadian Territory, piece by piece, and are they not tending to diminish and cripple our natural resources and creating a feeling of uneasiness, inspiring ideas of the necessity of a change in the relations of the Dominion with the Mother Country." With respect to the navigation of the St. Lawrence it is urged that the river is not navigable, and the Americans must make use of our canals. I believe the Treaty in spirit gives the Americans the right to use the canals just as they can use the river. I have little doubt that if they think it necessary they will contend that they have such a right and find means of making Great Britain acknowledge that to be the case. We know from the sad experience of the past that whenever the United States wish to obtain any concessions from England, they are invariably successful; and it would be just the same thing hereafter should they come forward and put an interpretation on the Treaty that will give them the use of the canals on their own terms. When the Americans asked for a portion of New Brunswick, their demand was resisted in the first instance, a good deal of correspondence ensued, and a Commission was finally appointed with the result of giving the United States all that they demanded. If there is one person in this House who should object to this measure it is the Minister of Marine and Fisheries, who has said that our fisheries are of so much commercial impor-

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tance that we ought not to give them up except for sufficient commercial concessions. Gentlemen need not say that we have the canals, and the Americans cannot make use of them except with our consent. If a question should arise in connection with them, I repeat that Great Britain will declare, rather than get embroiled, that they are within the interpretation of that part of the Treaty giving the Americans the right to navigate the St. Lawrence. In conclusion, I must express my regret that the rights of Canada have been so egregiously sacrificed for the sake of Imperial interests. I regret it because I cannot see that war could be apprehended on account of our deciding to reserve our right to the fisheries and the St. Lawrence, until we obtained the concessions to which we are fairly entitled. The question of the fisheries ought to have been arranged on its own merits—not mixed up with a matter of such vital import to the Empire, as the Alabama difficulty. I do not wish to be considered disloyal to British connection, when I object to the Treaty, for I am only actuated by the desire to express my opinion as a Canadian, anxious to promote the interests of Canada and preserve the honor of England. I have spoken frankly and unreservedly on the subject, and I trust in a manner consistent with true philosophy and historical facts.

Hon. Mr. WARK—I think the hon. member mistakes the feeling of this House altogether when he thinks that he does not at all times receive the earnest attention of hon. members when he addresses them; for all of us must admit that he invariably expresses himself in a clear, moderate, and intelligent manner. There are, perhaps, few subjects which have been brought under the notice of the people of this country, that have led to a greater diversity of opinion than the question we are now called upon to discuss. The hon. Postmaster General has remarked that a great change has taken place in the opinions of many persons since this question came to be discussed. My feelings on the subject have not undergone any change. Perhaps I have viewed the Treaty more favorably than others from the circumstance that I have always held very strong views of the importance of preserving the connection between the mother country and this Dominion. I read the Treaty very carefully and for the reason just stated came to the conclusion that it was a measure which ought to be accepted by the people of this country. I have not failed to see that one defect in the Treaty has been that the question of the

right of the Americans to fish in our bays, and within our headlands had not been settled at the same time with other questions, for we must all see the inconvenience of having this matter left open, to be thrown back upon us at some future time. It is also matter of regret that whilst the parties to the Treaty took so much pains to define everything in connection with ships, they did not define the duties of Government to prevent such scenes as we have witnessed during the last few years in the United States. I believe there is no country in the world which affords so safe a refuge to political offenders as England. We remember a few years ago when the Emperor Napoleon made certain representations, a great English statesman—Lord Palmerston—gave way to him, but the clamor that was raised against infringing on the right of asylum was so great that he was forced to resign. But at the same time these political refugees must keep within the laws of the country. It was well known, however, that these Fenians organized in public, appointed generals, raised money, purchased arms and supplies under the very eyes of the United States Government, and still not a step was taken to arrest their illegal course until Canada had suffered heavy losses. I hold that such a state of things was most unfriendly to this country, and it ought to have been considered with the other questions disposed of by the High Commissioners. We all know the advantages we enjoy as a dependency of Great Britain—in the time of peace our ships are to be found in every part of the world, and in case of difficulty they have British Consuls, and accredited representatives to consult. On every sea, they find a British cruiser to protect them in the time of war. We must remember that in time of war we have always been defended, and we have the pledge of the protection of the whole Empire in case of danger hereafter. If we enjoy advantages like these we should certainly be prepared to make some sacrifices for the benefit of the Empire; but I do not believe that the sacrifices which we are called upon to make are as great as some persons estimate them. I am not prepared, however, to admit that the right of sending fish into the American market when we have all the markets of the world open to us, is going to be of such great benefit to the fishing interest. The benefit of such an arrangement can only be seen after a time. If we find that the price of fish keeps as high in the United States market as heretofore, then our fishermen will be benefitted to the extent of duty exacted,

and it will be a great advantage to us to send our fish there. On the other hand, if we find that fish is regulated as to price in Halifax and St. John, by the markets of the world, and that the fish caught by the United States comes down to the same value, then it will be the consumers in the United States and not our fishermen who will receive the benefit. I hope the Minister of Marine will keep this point in view when he goes to submit the claims of Canada for additional compensation. I am a free trader, and believe it is generally the consumer who pays the duty. I have carefully considered the position of this country in connection with the Reciprocity Treaty, and hold strong views on the subject. The great interest of Ontario is agriculture, and the people of the Province considered it a great advantage to get their products into the United States free of duty. It is most important, however, to obtain a market in a country that does not produce itself—there is a great advantage in an interchange of different commodities. I fail to see the benefit of sending our agricultural commodities into a country that produces more than it consumes. The United States have been always the exporters of flour: where then is the advantage of sending Canadian flour into the United States. It might be they would not export the same article they got from us, but then the Americans consumed less of their own products and exported more to foreign markets. The profits of our agricultural interest accordingly went into the United States, the commodities of Canada were carried through American canals and over American railways, and distributed to foreign markets by American ships. So the United States actually derived all the benefit from this trade under the Reciprocity Treaty. I believe the repeal of the Treaty has injured the Americans more than it has Canada, and that we have been learning the benefits of self-reliance. I do not think that it will be for our advantage to have a Reciprocity Treaty immediately—we have still a good deal to learn in the way of making ourselves independent of the United States in the matter of commerce. Many other points connected with the question suggests themselves to my mind, but like other gentlemen, I feel that it has already been sufficiently discussed in Parliament and in the Press; but this I may say with respect to the position of Sir John Macdonald, that when a man accepts an appointment to negotiate a Treaty, he ceases to be responsible to anyone except the power that appoints him. The whole responsibility rests on

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the Ministry of Great Britain, and the Commissioner had simply to act in accordance with its instructions, and certainly cannot be held responsible to anybody else. I think on the whole we owe it to the country under whose protection we have enjoyed so many advantages to make some sacrifices in case she thinks proper to ask them at our hands.

Hon. Mr. DICKEY said: It is impossible to approach the consideration of the Treaty, which this bill purposes to ratify, without being impressed with the gravity of the subject. This Treaty has during the past twelve months been the subject of anxious and thoughtful deliberation by the leading statesmen of the two foremost nations of the world, by the press everywhere, and by the friends of peace in every civilized land. It is not necessary to enter upon a lengthened discussion of the comparative merits of the provisions of the Treaty, and yet it is due to the Senate that so important a measure should not be accepted or rejected without discussion. In this sentiment I entirely concur with my hon friend on my left (Hon. Mr. Letellier), but I differ from him in the reasons he gives for opposing that Treaty. He complains that Canadian interests have been bartered away for Alabama claims. Why, if my hon. friend had read the printed correspondence, he must have known that the proposal of the British Minister was only to refer the Fishery question and other questions affecting Canada, and that it was the American Secretary of State who proposed that the Alabama claims should be included in the reference. Besides, had the Alabama question resulted in war, who would have been the chief sufferers? Would not the people of Canada? (Hear, hear.) That the Treaty was fair to England or to this country, I am not prepared to assert, but two important considerations must not be overlooked. 1st. No Treaty agreed to by the American Plenipotentiaries could go into effect until ratified by a two-third vote of the United States Senate. 2nd. The English Commissioners were hampered by instructions, and it was a foregone conclusion scarcely concealed in Washington, that they were to return with a Treaty of some sort. Englishmen are proverbially frank and outspoken, and it is not surprising that their more astute opponents should have profited by it. Apropos to this, it has struck me as a curious fact, that while Mr. Fish's proposal of reference is in terms most comprehensive, "ALL the questions which now unfortunately stand in the way of an entire and abiding friendship

between the two nations," his Government should have objected that it did not cover the Fenian claims, while the provision for settling the losses by means of the Alabama and other vessels has since been claimed as including consequential damages, not referred to in the Treaty. (Hear, hear.) Talleyrand's celebrated saying, that "language was invented to conceal men's thoughts," is no longer a governing rule in European diplomacy. The negotiations resulting in the Treaty of Vienna, dragged through several years, while the Conference at Washington produced the important Treaty under consideration in a few weeks. On this occasion that frankness to which I have adverted was carried almost to the verge of indiscretion. Many things were taken for granted, and a loophole was left for the indirect claims which have since excited so much bitter feeling. It is very much to be regretted that this was left to understanding, and that the matter was not placed beyond cavil by the introduction of a few plain words. Happily we at last see the silver lining of the cloud that for the past three months threatened to overshadow the two countries. It would indeed have been a sad spectacle for men and angels had this first attempt to settle International disputes by international arbitrament proved abortive. In the interest of peace and civilization we must all rejoice at the prospect of its being carried to a successful issue, and thus ensuring lasting harmony and good will between the two great powers of Europe and America. (Hear, hear.) Reverting to the Washington Conference, I have reason to believe that but for the tact, ability and firmness of Sir John A. Macdonald, even less regard might have been had to the interests of Canada. (Hear, hear.) In corroboration of this, it is only necessary to refer to the Minute of the Privy Council, 28th July last, in which the Ministry have well and ably reflected the prevailing sentiment of Canada, and have set forth in the strongest light the objections to the measure. In this report strong ground is taken, and very properly too, on the subject of the claims for losses by Fenian raids. I need hardly remind the House that on every occasion when this matter has come up I have denounced the conduct of the United States Government as unworthy of a friendly nation, and contended that there is no principle on which the Alabama claims could be contended for that would not apply with tenfold force to our claim for indemnification on account of these Fenian raids. My hon. friend from New Brunswick (Hon. Mr. Wark) seemed to

make it a subject of complaint against the Treaty that it laid down no rule to prevent such raids in future. Had he referred to the 6th article he would have found that the second rule does provide for the future by stating that a "Neutral Government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men." And the third rule make this obligatory as to "all persons within its jurisdiction." So that this is an additional feature of the Treaty which should commend it to all Canadians. Had this been in force in 1866 or 1870 the incursions from the other side of the border could not have taken place, and in future all such raids are simply impossible while the two countries remain at peace. (Hear, hear.) As a recognition of our claim for these Fenian losses we have received the Imperial guarantee for twelve million of dollars in aid of our contemplated canals and railways; the money advantage of this to us is great and palpable, but I attach even more importance to it as a pledge and token of lasting connexion with the mother country. (Hear, hear.) My hon. friend (Hon. Mr. Letellier) talks mysteriously of the future of this country, as if public opinion in England pointed to an early separation. I do not propose to go into that question at large to-day, but I wish to say that I have no sympathy with those views, and I believe this House has none. (Hear, hear.) There may be *doctrinaires* or people of the Manchester school, or what my hon. friend call philosophers, who talk vaguely of those speculative changes, but there is nothing in the utterance of any English statesman or any head of a party to justify the inferences of the hon. member. On this point the great heart of England is sound, and there need be no fears of even the suggestion of a separation while we desire, as I believe we always will, to remain attached to the old flag [hear, hear.] In considering this question it must never be forgotten that the very essence of a treaty is compromise. In no other way could a treaty be negotiated. It is a balance of equivalents [hear, hear.] Although not then in public life I well recollect the storm of indignation in Nova Scotia in 1854 when the Reciprocity Treaty came up before the Assembly for ratification. Two of our ablest men of opposing parties, Messrs. Howe and Johnston, denounced it as unfair to Nova Scotia, just as the Hon. Mr. Letellier and

others denounce the Washington Treaty to-day as unfair to Canada. These gentlemen have lived to see their prophecies falsified by the event, and I have no doubt my hon. friend a year or two hence will equally acknowledge his mistake. At the same time I am far from regarding the abrogation of the Reciprocity Treaty as an unmitigated evil. It has put us on our mettle, driven us to seek new markets and taught our people the great national virtue of self-reliance. But does the Washington Treaty bring with it no advantages? The persons most interested in Nova Scotia are of opinion that the free admission of fish into the American markets is a great boon, while the privilege to land and carry on trade must redound largely to the advantage of the people along the coast. The man who launches out from the rocky shores of Nova Scotia to earn a livelihood for himself and his family from the bosom of the deep knows full well that he has an ample market in the United States where hereafter, as of old under the Reciprocity Treaty, he is sure of remunerative price. My hon. friend (Hon. Mr. Wark) seems to think that our market would be swamped by fish of American catch, but I can console him by telling him that our fishermen had twelve years' experience under the Reciprocity Treaty, and they are not afraid of competition. The hon. member [Hon. Mr. Letellier] has deemed it not unbecoming to sneer at Nova Scotia, as if fish was the only article she had to export. I trust my hon. friend will come down to the sea-side and we will show him that we export coal and gold and lumber and agricultural produce, to the United States in the face of large duties and could we obtain Reciprocity the export of these articles would be largely increased. (Hear, hear.) The securing of the bonding system by treaty through the United States cannot fail to be of advantage. cut off as we are from a winter port on the Atlantic and with no land conveyance throughout the year, except by ordinary roads or through a foreign country, to the great interior of the Dominion. Then the coasting trade on the lakes must throw a vast amount of carrying trade into the hands of Ontario. It has always been the policy to attract as much as possible of the traffic of the Great West of the grain producing country on the borders of the Great Lake to its natural outlet by the artery of the St. Lawrence and its artificial adjuncts of navigation. Nay, I hope ere many years to see the grains of the noble prairie country and our own far west beyond Lake Superior brought down this same avenue to the

Hon. Mr. Dickey

seaboard. Canada has a deep interest in securing this carrying trade, and the opening of our canals to the Americans is really in our own interest. I have only glanced at the many obvious advantages of this treaty. Is any one prepared to take the responsibility of rejecting it? I trust and believe not. Hon. gentlemen, I support this treaty, not as the best to which we were entitled, but as the best we could get. I support it as bringing a lengthened peace with our nearest neighbours, and because peace means prosperity to the land we all love. The distinguished nobleman about to leave our shores may well look back with satisfaction to the rapid strides that Canada has made under his administration. Seldom has it fallen to to the lot of a representative of the Sovereign to witness such gratifying results in four short years. Other Governor Generals have had the proud boast of adding conquered provinces in the East, but ours is a still prouder boast of a peaceful acquisition in the West of territories equal in size to the half of Europe, and rich in agricultural and mineral resources, our revenue has increased, the volume of our trade has nearly doubled, and content and plentifulness reign throughout the land. With peace assured on our borders, and our people free to develop the great material interests of the country, who shall set limits to its progress during the next decade. Let us then, if possible pass this Bill to-night without division in difference to the expressed wish of the Mother Country, and we shall present ourselves before England and the world a loyal, happy and strong, because united people. (Cheers.)

Hon. Mr. REESOR.—On a question of so much importance I think it only fair that an expression of opinion should be given by the members of this House. The position taken by the former speakers in this debate appears to me to be one assumed by a large number of members in both branches of the Legislature, and is evidently influenced in a great measure by a desire to yield to the express wishes of the Home Government. I can fully sympathize with those who express that wish; but at the same time we must all feel that this Dominion has certain rights and privileges which required consideration, and ought not be overlooked, notwithstanding our attachment to the Parent State. The responsibility of the Dominion Government in the settlement of this question, I believe, goes further than some hon. gentlemen seem to think. They appear to throw the whole responsibility upon the British Government; but reading over the

correspondence on this question we find that Canada was represented upon the Commission. As the First Minister of the Crown was appointed on the Commission, we have reason to say that the Government of Canada had a certain responsibility in the action and decision of that Commission. In all the despatches relating to the appointment of the Commission, we find it expressly stated that "Canada will be represented." And this was carried out by the appointment of the Premier of Canada, Sir John A. Macdonald. Now as respects the course pursued by the Canadian representative upon the Commission, I know that it has the approval of a large majority in one branch, and will probably obtain the sympathy of this House as well. The responsibility is therefore in a great measure shifted off his shoulders to those of the people of this country. I quite concur with the remarks that have been made by previous speakers as to the injustice that has been done to Canada in ignoring the Fenian claims. Earl Granville in the first of his letters of instructions to the High Commissioners intimates that among the subjects to be discussed will be "the claims of the people of Canada on account of the Fenian raids." It is to be regretted that not only have our claims in this particular been overlooked, but that we have no sufficient guarantee in the Treaty itself against like occurrences in the future. One cannot help being impressed with the idea that had the Commissioners exhibited half as much determination to have a settlement of these Fenian claims, as the British Government has shown since the question of "consequential damages" came up, the United States Government would have yielded and adjusted the matter to our satisfaction. Now it is said that the Maritime representatives sanction this Treaty, and that their approval shows the merits of the measure. But it must be remembered that this is a Dominion question, and cannot be considered in a purely provincial or sectional aspect. No one denies that certain interests in New Brunswick and Nova Scotia are benefitted by the Treaty, but at the same time we see that no adequate compensation has been given to the whole Dominion for what it sacrifices under the measure. The value of the products of the Dominion that find a market in the States amounts to something like twenty seven millions of dollars; and all these commodities, or nearly all, pay a large duty. If the duty were removed, we would be gainers probably to the extent of some four or five millions of dollars. I remember well when

the Reciprocity Treaty was repealed, there was immediately a decline in the price of certain exports of Canada, amounting to 25 or 30 per cent, in cattle, sheep, peas, barley, and other grains that had found a large sale in the United States. Taking into consideration all the circumstances, it seems to me that we concede too much and receive too little, simply because England is deeply anxious to have a great difficulty of her own immediately settled. I think we do wrong if against our convictions of what is right, against the convictions of the Government of Canada as set forth in strong terms in their Minutes of Council, we allowed a measure of this kind to pass by general assent. We ought to express our opinions frankly, and show that we are not insensible to the wrong inflicted upon us. It is not by conceding everything that is asked, we can have justice done to us. It is for Canada to stand out for her just rights, otherwise she will never secure them. The Home Government has been considering this question with a regard to Imperial interests alone. I do not say that it has been utterly regardless of Canada, but I believe it has not been in a position to understand what was the best for the interest of this country. It is for us, when the opportunity is given under this Bill, to remonstrate strongly against the injustice that has been done, and prove to Great Britain what sacrifices we are called upon to make at her demand and for Imperial considerations.

Hon. W. J. MACDONALD, (B. C).—I consider myself in a position to look at the question now before this House free from all local feeling, and free from all party spirit, not having been hitherto mixed up with the politics of this country. The causes which led to the negotiations of the Treaty are so well known, and having just been reviewed by the Postmaster General, I need not therefore repeat them. If by the Treaty of Washington our territorial rights have been invaded, was this done solely in the interests of England? Was this done to patch a peace with America with a view to future complication in Europe and the balance of power being destroyed and new alliances formed? Such is not the case—this Treaty is as much in the interest of Canada as that of England, and were she not jealous of our rights what difference could it make to her who fished in our waters. It must be evident to all that there exists a strong feeling in England that this country should have peace and tranquility and not be contending for her rights with a foreign State, rights which she has always helped us to maintain and will still

do so. The people of this country cannot, and do not wish to have causes of dispute and quarrels left open no more than England does which might at any time lead us into serious complication with a powerful neighbor, and one branch of the Parliament of this country has sustained this view of the question, and deemed it expedient to ratify the Treaty although it was not all that could be desired. History shows that Canadians have always held their ground against the United States, yet we are a commercial and not a military people, and unsettled international questions disturb our industries, unsettle the public mind periodically, cripple trade, and retard the general progress of the country. And this Fishery question, unless settled, will be a continual bone of contention, and will have the most damaging effect on the credit of this country and must interfere with the great public work now in contemplation. Our duty, then, in the furtherance of all these interests is to give effect to the Treaty, and should we need further evidence to convince us of this, we have it in the vote given in the House of Commons by the Quebec, New Brunswick and Nova Scotia members—68 for the Treaty, 21 against. It has been clearly shown by members of both houses that a great stimulus will be given to many branches of trade in the Lower Provinces under the provisions of the Treaty, and that no Province will be injured. The Government of this country have given the matter their most careful consideration, and studied the question in all its bearings. And all admire and approve of the determined stand taken by them, and the clear and vigorous way in which they placed the views of this country before the Imperial Government, and if finally they accepted a modification of these views and took all that it was possible to get they cannot be blamed. I feel that they have the best interests of the country at heart, and I am bound to give my support to a Government that has ruled the country so well during the last five years, as shown by the great prosperity of the country. If under the operation of this Treaty the balance of trade should appear against us, a money payment is provided for equal to such balance. Why should a money payment be scorned? What does all commerce and trade lead to but money? But it appears to me that there is so much sentiment mixed up with the whole question that sight is lost of the reality. The honour of the country cannot be sullied by the negotiations in this matter as we are left free to reject the Treaty. We are free in this as in all

things, yet there are certain ties which link us to the mother country which it would not be politic to sever or even to tighten at this time, and if hereafter we have to separate, let the responsibility rest with England and not with Canada. If we reject this Treaty, and England withdraws her countenance, withdraws her protection, and withdraws from arbitration in our affairs, are we in a position to protect our own fisheries? Are we prepared to build, man and equip a navy capable of protecting our interests. I contend that we are not able, or in such a position. The rejection of this Treaty means more than the simple rejection, it means a feeling antagonistic to that of the Empire; it means introducing the thin end of the wedge of independence; it means republicanism; it means anarchy and confusion, and the worst feature in independence is the form of government which we would have to adopt. A monarchy we cannot have, and a republic is the only thing open to us. When we have this form of Government I do not wish to live in this country. Imagine this country a republic. How insignificant we would be, hemmed in on one side by an enormous country and on the other by the North Pole, rent asunder by political factions and a continual struggle for power, without status as a nation, and without weight in the council of nations. As we are now I believe the people of Canada are the most free, the most prosperous and the most happy people on the face of the globe. The very country in which we live conduces to vigor, industry and self reliance. We are well governed, the laws faithfully administered, and civil and religious liberty secured to all. Therefore if we are true to ourselves, if we are true to this New Dominion, let us enter into closer bonds with the Mother Country, the cradle and nursery of freedom, civilization and justice, who will not suffer us to be wronged or oppressed; and if we are called upon to give up in her interests a portion of our inheritance let us do so cheerfully, an inheritance which she herself has given us. Before sitting down I must say that all English statesmen, however great their talents, however carefully they may have looked to Imperial interests, yet in dealing with the United States in the matter of Colonial boundaries and other questions affecting the colonies, have always manifested too great a wish to accede to American demands, and have been too much influenced by American bluster and too ready to sacrifice Colonial interests. With regard to San Juan Island that question has been left to the arbitration of a

Hon. W. J. Macdonald.

disinterested monarch, and although the Americans have pertinacity on their side, we have justice on our side. When that Western boundary line was settled the only ship channel known was the one claimed by us, the existence of two channels was not known, and the one now claimed by the Americans was not then used by the only navigators of these waters, the Hudson Bay Company. In all justice San Juan ought to belong to us, it is closer to our shores and of more importance to us than to the Americans. We have occupied it with farm and fishing stations from 1851 to the present day and America never laid claim before 1855, and took forcible possession of it in 1858. On the navigation of the St. Lawrence I do not feel competent to express an opinion, the question being governed by international law and by commercial policy, but I wish to say this much, that whatever brings trade and traffic through this country deserves our support and encouragement, as it must contribute to our revenue and importance by showing that we have the best route and highway for traffic through our country.

Hon. Mr. NORTHRUP—The question now before us has already been so thoroughly discussed in the Legislature of this Dominion and elsewhere, perhaps nothing further of interest can be said upon the subject. I will ask the attention of the House for a very short time to make a few remarks from a Nova Scotia stand point. The fishery interest was very successful during the Reciprocity Treaty, and we have ever been most desirous for its renewal. In the present Treaty we have more, inasmuch as during the old Treaty we stood on equal footing, not so now, as we can build and outfit our vessels for 25 per cent. less than the Americans and are nearer the fishing grounds, and these are indeed great advantages, and to compete successfully with us they must either get their vessels built or outfitted with us, and this would be to our great benefit, or they must get a very large bounty from their Government. Our fisheries produced last year about five millions dollars, a larger sum than any previous year, and under the present Treaty must continue to increase. The hon. gentleman from Richibucto stated that the consumer paid the duty on mackerel. I contend it is not so, the Americans largely supply their own market, and their own and our fishermen may be said to fish side by side and carry them to the same market and realize the same price, but our fishermen have to pay a duty of \$2 per barrel on their catch. Our coal owners hoped to have the duty

taken off or much reduced; that trade is not now yielding a fair return, and they think they have great cause to complain of the action of the other branch of this Legislature in sweeping away last session what was termed "the protective tariff," while negotiations were going on at Washington by the Commissioners upon an offer made by the United States Commissioners to admit coal, salt, and lumber free. So soon as the Americans heard of the passage of that resolution, they withdrew their offer. Of this there can be no doubt, as it was clearly stated by the Minister of Justice in his place in the Commons. We see that the Americans have taken the duty off tea and coffee, and are paving the way for a cheap breakfast, so we cannot suppose they will long submit to have the fuel that cooks the breakfast taxed. It is the last article that should be subject to a tax. Lumbering operations are carried on to a large extent with us, and those interested hoped to have had the duty taken off, but notwithstanding the duty, we sell largely to the United States, and this interest never was carried on as successfully as now, and new establishments are going up in different parts of the Province. Our farmers expected to have agricultural products free as heretofore under the old Treaty. They found a good market there. I knew a friend of mine in Cornwallis, to have raised 500 bushels of potatoes off one acre of ground, which he sold at one dollar per bushel cash in his cellar. Is it any wonder then that they would desire this market again open to them? But they have found a market in the West Indies and otherwise dispose of their products, and this interest is doing well. Our ship builders would have been very glad to have had our ships admitted to registry and the coasting trade opened to us, because we can build at a much less cost than they. It is generally believed that there are many British vessels owned by Americans registered in the names of British subjects. This branch of business is now, however, very successful and there is perhaps more tonnage now building in the Province than at any previous time. In the County of Hants, represented by the Hon Mr. Howe, there are about thirty thousand tons building, and these are good vessels, and admitted to 1st class for 8 years, and a renewal of 4 years under certain conditions, and I may say that these vessels will be owned in the country, and all their earnings sent home from abroad to enrich our people. It is well known that Nova Scotia owns more tonnage than any other country in proportion to population, having more than a

ton of shipping to every inhabitant, and I may add that the tonnage is increasing much more rapidly than the population. I may say in this connection, that as something has been said about Independence, the people of Nova Scotia do not desire it. The sails of our ships whiten every sea, and it is the Flag of Old England that gives them confidence and protects their interests when need be. The people believe that independence means annexation,—that we could not stand alone. It would take a considerable portion of our revenue to pay Consuls abroad, and where would be the navy to back them up in time of need. In the Local Legislature there were four annexationists, but not one of them was re-elected at the last election. This shows the feelings of the people. I was amongst those who thought that the abrogation of the Reciprocity Treaty would be an irreparable loss to us, but it has not proved so and I now think it was perhaps the best thing that ever happened. We used to sell to the Americans the raw material at first price and bring back manufactured articles at the highest prices they having all the advantage of manufacturing. Manufacturing establishments are now springing up all over the country and on a solid basis so that we can successfully compete. The taxes are now so much higher in the States, and there is now so much done by machinery, that the high price of labor is not so great a difficulty as heretofore and with our coal and iron and other resources we are now looking to a bright future in manufactures. I went across to Hull a few days ago and visited Mr. Eddy's establishment for the manufacture of matches, tubs, buckets, &c., and found that he gave employment to 2,000 people, and its growth has been very rapid for the last six years. This treaty will help us to build and complete, within the time I hope, the Pacific Railway. We have among us this session, for the first time, gentlemen representing Manitoba and British Columbia who would do honor to any Legislative Assembly, and judging the people by them we may reasonably expect much from that part of the Dominion. Now, hon. gentlemen, I think with a good Government, such as we now have, and with well directed energies this Dominion has a bright future. The hon. gentleman for Parkerville said the other day that if he could only see Nova Scotia he would willingly die, but I tell him to come down to Nova Scotia, we will be glad to see him, and will not bury him, but treat him well, and send him back I think better satisfied than ever with his country. We should

miss his good face and humour from among us. Hon. gentlemen, you will always find the Nova Scotians a patriotic and loyal people, ready to make sacrifices for the general good. They believe that they live under the best system of Government that prevails in the world, and are ruled over by the best Sovereign that ever swayed a sceptre.

Hon. Mr. MACPHERSON—It is certainly rather difficult to continue a debate on a subject on which so much has already been said; but at the same time the question is of so much importance that I am unwilling to give a silent vote. I believe it will be advantageous to the country if there is great unanimity on this question, perhaps the most important that has ever been debated in this Parliament. I am one of those who cannot boast of being a recent convert to the desirability of this Treaty. I have approved of it from the first—not that I was altogether satisfied with it—not that there were not things in it that might have been more favorable for Canada; but I have looked upon it as more or less in the nature of a compromise. It is impossible for every party in the arrangement of such matters to have entirely his own way, and one feature in its favor, to my mind, is the fact that it is not altogether satisfactory to either side. In that respect it is like an arbitration. I must say that I did not expect that complete reciprocity would have been obtained by the negotiations—the policy, the very necessities of the Americans obliged them to reject such a measure so far as concerns agricultural products. The civil war had entailed upon them burthens of the most serious character—it obliged them to impose heavy taxation, internal and external, many articles produced in the country itself were specifically taxed; and it was scarcely to be expected that whilst this was the case, they would allow Canadian products free into their own country. In 1866 the Reciprocity Treaty was repealed; under it the Americans had about the same rights as we are now asked to give them. We gave them the right to fish just as freely as they will have it from this time forward. Then the Treaty having been repealed, we asserted our own sovereign rights to the fishing grounds, by requiring the people of the United States to pay a license for fishing, but we charged them a merely nominal rate. The question that presented itself to my mind was whether it was desirable to continue to exclude the productions of the fisheries from free markets in the United States, because we could not also obtain

Hon. Mr. Northrup.

admission for our agricultural products into the United States. We were bound to accept reciprocity as far as possible, and the Treaty gives it as respects the Fisheries. I consider the admission of fish goes very far towards an equivalent for our right given to the Americans to fish in the waters. The Treaty goes still further, for it provides if the interchange of fishing privileges is not sufficient, then there is an arbitration to settle the difference between the respective concessions. I am enough of a free trader to take as much free trade as I can to begin with, and I believe we can best attain more perfect reciprocity by establishing an amicable state of relations with the United States. I believe that the continuance of our prosperity depends in a great measure on the amicable relations we have with our neighbors. Any one acquainted with the trade of the country will admit that the moment there was any apprehension that the Geneva Conference would break up, confidence in the stability of our prosperity was disturbed. I would not make undue or unreasonable sacrifices when our national rights are in question, but I am quite certain that the Parent State would not ask us to ratify this Treaty were she not convinced that it is consistent with her honor and the advancement of our best interests. Numerically we are not the equal of our neighbors, we are 4,000,000 against 40,000,000; but at the same time we have our national rights, and I would be the first to assert them when there is a necessity. I believe there is a sufficient sense of justice throughout the world to assist us in the assertion of our just rights in the time of our need. We must remember that the fishery stipulations are only to last for twelve years. We gave the Americans the right to fish on the payment of a small license fee, and there was at last great difficulty found in collecting it. Nevertheless, we allowed them to fish in our waters without any return whatever for a number of years, because we hoped they would grant reciprocity; but now we obtain admission for our fish, and the privilege (whatever it may be worth) of fishing in their own waters. It is true we receive no extraordinary advantages under the Treaty, but still we are benefitted to a moderate extent. The Mother Country has made sacrifices, she has consented to pay for the depredations caused by the Alabama as the Conference may decide. I think that is perfectly right. I have been always of opinion that the escape of the Alabama was a national escape. No reasonable man can deny that our interests in preserving peace on this continent is

greater than theirs. We must remember too that the whole question has been left to the decision of this Parliament—the first time we have had such a privilege conceded to us. If the interests of the people were sacrificed, Parliament could reject the measure, but we have had already elsewhere sufficient evidence of the feeling on this point. With respect to the St. Lawrence, a great deal has been said about the surrender of sovereignty—one would imagine that the very liberties of this country had been sacrificed, and yet all we give up to the United States is the right to navigate a small portion of the river which is actually unnavigable. The rapids there compel vessels to make use of the canals which continue exclusively under the control of Canada. It has been said by my hon. friend from Grandville, that if we give the Americans the right of navigating the St. Lawrence, we concede the canals. Now the fact is the navigation of the canals is reserved to us, for the Treaty says expressly—Article 27. “The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion.” What has been the policy of the country with respect to the Canals? To open them to the trade of the United States on the same terms enjoyed by our own people. These works have been enlarged, and are to be improved, chiefly with the view of attracting the trade of the West; they are now beyond the actual requirements of our own internal traffic. Under these circumstances we will continue to offer every inducement to the Americans to make use of these public works. A similar provision was included in the Treaty of 1854, and that, of course, lapsed when the Treaty was repealed. We did not then close our canals, for we believed it was the wisest policy to keep them open on the same terms as before the expiration of the Treaty. With respect to the river itself it has been always practically open to Montreal, and by the Treaty it is to be nominally opened from St. Regis to Montreal. This territorial concession is, therefore, virtually a worthless privilege. No one can urge the advisability of shutting up the river when it is actually for our advantage to make it the outlet for the surplus product of the great West. I think the navigation of Lake Michigan should have been conceded on the same terms as the navigation of the St. Lawrence, but I have no doubt the right we have given to the Americans to use our canals will always

secure to us the right to navigate that Lake. Then there is the bonding system secured to us—it is true it must become of less value according as our railways are extended; but nevertheless it will always be a benefit to us. Then the transshipment of privileges accorded by the Treaty are entirely new. It is held by the Americans that a voyage from Portland to San Francisco is a coasting voyage—it is a most extreme construction of the regulations; but those regulations are modified by the Treaty so far as our inland trade is concerned. With respect to the Fenian raids I intend to say very little. I think the course pursued by the United States with respect to these marauders has been one most unworthy of a great nation. We have always most strictly discharged our duties as a friendly neighbor; and therefore we must consider their neglect most discreditable to them, and I have no doubt that it will redound very much to their dishonor in the pages of history. With respect to these claims, our government could do no more than they did—we had no representative at Washington—any representations that we had to make must be through the British Government. Our Government pressed the claims of this country as strongly as they could, and then their power to effect anything ceased. I think they made the only arrangement that was open to them. The British Government assumed the cost of the raids, and I have no feeling against allowing England to bear it when the losses were not incurred through any fault of our own. These expenses were incurred because these misguided people thought they could best injure England by striking a blow at Canada. I have always held it would not have been an extraordinary stretch of liberality on the part of the British Government had they guaranteed the whole cost of the Canadian Pacific Railway. Such a guarantee would be invaluable to the interests of the Empire itself—it would tend to develop her strength on this Continent, and increase the prosperity of this branch of the British family. England might have given this guarantee without a single risk on her own part, and it would have benefited her in the end to an incalculable degree. So far from thinking that we are lowering ourselves by accepting the guarantee of £2,500,000 we would willingly humiliate ourselves by taking a much larger one. (Hear.) I think the simple question at issue is whether we save anything by accepting this guarantee. If our bonds can be sold at as good a rate without it then of course there is no necessity for the

guarantee; but we all know perfectly well that we shall save money and be in a better position to promote great public undertakings by accepting the guarantee granted to Canada by the British Government. (Hear, hear.)

Hon. Mr. HOLMES—I must take advantage of this opportunity of expressing my unqualified satisfaction with the policy pursued by the Government in relation to this important matter. I am of the opinion that this Treaty will in many respects be as great a benefit to the country as the Reciprocity Treaty decidedly was, and it is difficult for me to understand the reasons that prompted some hon. gentlemen to oppose the measure. We have a prosperous country extending from the Atlantic to the Pacific, and abounding in resources, and I have no doubt whatever that the results accruing from the Treaty which we are about to ratify will give a great stimulus to its progress, and insure its peace for many years to come.

Hon. Dr. CARRALL—I must ask the indulgence of the House for a few minutes whilst I give expression to some thoughts on this very momentous question. I had heard so much about it that I had become quite nauseated. Among the *elite* of Ottawa, in the hotels, in the House, in the press, everywhere it has been the Treaty. Now to-day we have the leader of the Opposition in this House arising in his place and disavowing his intention of moving an amendment to the second reading of the bill, and under these circumstances I feel the want of that stimulus which a fierce opposition to the measure would give me. Still, unable as I am to find new ideas to absorb, I feel obliged to follow the example of hon. gentlemen and say a few words with a view of incorporating my name on the roll of honor of those who vote for the Treaty. I must ask the indulgence of the House. I ask you to strain your generosity to the utmost, for the question has been so thoroughly discussed from the time that the master hand in another branch ushered it into birth that there is hardly a particle of a new idea left for me to evolve. But here I must let you into a secret. I confess that I have not heard all that has been said on the subject from the point of view that I occupied in the Senators' Gallery; for there are certain attractions sometimes in that place which are sadly apt to distract one's attention from the question of fish and fish oil. If I should then tread upon ground that has already been trodden, do not think that I am an intruder—a trespasser—for I do it unconsciously. I have been immensely amused at the attitude

Hon. Mr. Macpherson.

assumed in reference to the Treaty by the gentleman who monopolizes, directs, controls all the political machinery of the Opposition through the newspaper he owns; if I remember aright, he was only a short while ago in the Government himself, and left it because the Administration would not obtain reciprocity. Now, when for the first time in the history of the British nation, a Colonist has been taken into the councils of the country, and permitted to direct Imperial interests—when we are through his instrumentality to obtain a certain amount of reciprocity, we find this same Mr. Brown assailing this able and astute Minister, who has achieved so much for the Dominion. It has been said that Colonial interests have been invariably sacrificed whenever treaties have been arranged between Great Britain and the United States. It may be that Mr. Osborne sacrificed the interests of this country, and when told of his error, consecrated it simply by a tear; it may be that Ashburton sold some of our territory to Maine, and made a bargain which would put money in his purse. Here, however, at last we have a Treaty which confers decided advantages on Canada; and that it is so, is because we had on the Commission one who was able to guard our interests, and that was our Premier. I am suffering from a mental debility in consequence of the want of vigor displayed by the leader of the Opposition this afternoon. He said so little that I can take hold of, that I am really at a loss for new arguments to present to the House. I deny that we are called upon to make any sacrifice in accepting this Treaty. I only wish it was a sacrifice so that we might place on record our willingness to make any sacrifice for the sake of the glorious Empire to which we belong. Among the points that have been touched in the discussion of this question is British connection. I am among those who believe that the best minds of England are in favor of assuming a position which will prove that she is desirous of drawing closer and closer the ties that now bind together the British Empire. I believe that this country with its magnificent extent of territory and its invaluable resources has a great future before it, if we are only true to our best interests and preserve that connection which has been so beneficial to us in the past and must strengthen and assist us so materially in the career of prosperity upon which we have now entered.

Hon. Mr. ALLAN—I have no doubt that the House will be very much inclined to think that we have already heard so much

on the Treaty that any lengthy speeches in this branch of the Legislature will now be superfluous. I am not anxious to define my own position, but there is a natural feeling on the part of any one who is here in a representative capacity to state for the information of those whom he represents, the reasons that influence him to vote for a measure on which there may be considerable diversity of opinion. I desire very heartily to vote for this measure because I consider that it tends towards establishing friendly relations between two great nations—between the Great Empire to which we belong and the Great Republic on our borders. The hon. member for Grandville stated to the House that he saw no force in an argument of that kind, because it was not plain to him that if the House rejected that portion of the Treaty referring to the fisheries it would interfere with the relations between the two countries in question. No one supposes that if the Legislature threw out the Bill there would be war immediately; but all of us must feel that so long as there are subjects of dispute to cause soreness of feeling between these great nations there is danger of hostilities arising between them. Therefore if it is in our power to do anything towards establishing a good feeling between those countries, that is a strong argument to vote for any measure that may have that tendency. It is our duty as subjects of the Empire to which we belong to do all in our power to prevent any such contingency as I have foreshadowed. If that could only be done at the expense of some sacrifices to the country, Canadians should be the last to hesitate to make them. With reference to Canada being a source of weakness to England, I am convinced that I say nothing more than the truth when I state that the great body of the British nation is just as determined as ever, as long as Canada desires to be connected with the British Empire, to maintain that tie which now binds it to its dependencies. When we look back to the past and remember all that Great Britain has done for her colonies, and consider the many benefits they receive from British connection, we ought to feel that we should not hesitate to make sacrifices when England believes it necessary. We have heard it said that by passing this Bill we are conceding sovereign rights without receiving any adequate consideration, inasmuch as we give up the fisheries and the navigation of the St. Lawrence. With regard to the navigation of the St. Lawrence, I contend that question has been fully disposed of. It

has been shown by several speakers that this concession really amounts to nothing, while we must benefit our own trade by inducing the Americans to pass through our own canals. As respects the Fisheries, when one is in doubt on a question of that kind, one desires to hear the opinions of those who are most deeply interested in the matter. Having unfortunately been prevented from attending in my place until to-day, and being naturally anxious to follow the debates on this question I read the discussion elsewhere with great interest. It does appear to me that the arguments used by gentlemen who really understand the question, show irresistibly that that part of the Dominion especially affected by this Act, is to receive undoubted benefits from its provisions. It has been said that the interests of Ontario have been sacrificed because one of the means which we had for obtaining reciprocity has been given away. I have always believed that when the United States repealed the Treaty, they were actuated a good deal by their feeling towards this country. Instead of entertaining the opinion that the passage of this measure is to prevent complete reciprocity, I believe that it will have the very contrary effect. There can be no question that the Fishery rights have led to a great deal of controversy and irritation. I think so long as those rights were properly exercised we should be allowed to enjoy them. At the same time I conscientiously believe that if this Bill passes, and the Treaty arrangements are carried out, the feeling of friendliness towards us that will be engendered in the United States will ultimately lead to the adoption of reciprocity in the fullest degree. Much stress has been laid on the Fenian claims, that we were selling our honor for money—that we ought not to receive compensation for wrongs of that kind. I have been accustomed to think that as long as we remain subjects of the British Empire, the Imperial authorities are answerable for any matters of that character; and if they do not deem it advisable under the circumstances to press these Fenian claims, it appears to me that no discredit can be reflected on Canada. If there is any discredit at all, it must be thrown upon the Imperial Government, for it alone is answerable. If the Imperial Government then, in the interest of peace, decide not to urge these claims *à l'outrance*, let the responsibility rest upon them and not upon Canada. For my part, I cannot see that there is anything derogatory or offensive to our sense of national honour when England chooses to reimburse us for the losses we have sustained. For those

Hon. Mr. Allan.

and other reasons, which I will not weary the House by urging, I have much pleasure in voting for the second reading of the Bill now under consideration.

Hon. Mr. GIRARD followed and made a few remarks in French, expressive of the wish of the people of Manitoba to see peace ensured to the Dominion, so that it might continue in the career of prosperity on which it has entered. He stated it was his intention to vote for the measure.

The question of concurrence in the second reading of the bill being put, the same was resolved in the affirmative, and the bill was then read a second time accordingly.

The House adjourned.

HOUSE OF COMMONS.

OTTAWA, Tuesday, May 28th, 1872.

The SPEAKER took the chair at 3 o'clock.

PARLIAMENTARY REPRESENTATION.

After routine.

Hon. Sir JOHN MACDONALD gave notice that on Friday night next he would ask leave to bring in a bill respecting Parliamentary Representation.

DISPATCH OF BUSINESS.

Hon. Sir JOHN MACDONALD moved that until otherwise ordered, the Government business and orders shall have precedence on Thursdays, and that on Government days, after the business and orders are gone through, the other business and orders of the previous day shall be taken up; and that on Thursday the division of time intended by Rule 19 shall not be observed; also, that for the rest of the session, unless otherwise ordered, this House do sit on every Saturday from one o'clock, p.m., and that the same order of business be observed on Saturdays as on Thursdays. He said that as Thursday next would be a holiday the Government business would be proceeded with on Saturday, the House meeting at one o'clock, and sitting at night or not as it might seem fit.

The motion was carried.

SHIPPING OFFICES.

Hon. Sir JOHN MACDONALD, in the absence of Dr. TUPPER, moved that the House go into Committee on Friday to consider the following resolution:—"That it is expedient to provide for the appointment of a shipping office for seamen at each port in

Nova Scotia, at which there is a custom house, and that a fee of fifty cents shall be payable on each engagement, and thirty cents upon each discharge of a seaman effected before the shipping master or his deputy, such fee being payable by the master or owner of the ship, for or from which such seaman is engaged or discharged, a return of all such fees being made yearly to the Minister of Marine and Fisheries."—Carried.

HALIFAX HARBOUR MASTER.

Hon. Sir JOHN MACDONALD also moved that the House go into Committee on Friday to consider the following resolution:—"That it is expedient to provide for the appointment of a harbour master for the Port of Halifax in Nova Scotia, to be remunerated for his services as such at the rate not exceeding \$1,600 per annum, payable solely out of the fees on vessels entering the said port, except ships engaged in the coasting or fishery trade, to be fixed from time to time by order of the Governor in Council, and collected by the harbour master, not exceeding the following rates, viz:—for every ship of 200 tons register or under, \$1; of more than 200 tons, but not more than 300 tons, \$2; of more than 400 tons, \$3; and for every ship of more than 400 tons, \$4. The balance, if any, of such fees, after deducting his salary, to be paid over yearly to the Consolidated Revenue Fund, and such fees being payable only once in twelve calendar months on any such ship."

The motion was carried.

CANADIAN PACIFIC RAILWAY.

The act respecting the Canadian Pacific Railway was read a second time, and on the motion of Hon. Sir George Cartier the House went into committee of the whole, it being agreed that the resolutions adopted by the House when the matter was under consideration should be discussed at the same time.

Hon. Sir GEORGE CARTIER moved an amendment to the first clause in order that it might be clearly expressed that the eastern terminus should be at some point near Lake Nipissing and on the south thereof.

Hon. Mr. BLAKE asked whether the line was to go to the south as well as the terminus.

Hon. Sir GEORGE CARTIER said the object of the amendment was to bring the terminus near the railway system of Ontario. The lake runs from east to west, and the Government intended to express by the amendment which he had proposed that the terminus of the Pacific Railway should

be on the south shore, and therefore near the Ontario railways. At the present the Government could not state positively where the line would be run as the survey that had been made was merely exploratory.

Hon. Mr. BLAKE said that it was all very well for the hon. Minister of Militia to say that the terminus would be south of Lake Nipissing. What he (Mr. Blake) wanted to know was whether the railway would be run south of the lake also, or whether it was intended to leave at the discretion of the Government the future selection of the route.

Mr. WRIGHT (Ottawa) asked why the terminus should be fixed on the south of Lake Nipissing. The people to the Northward of that lake believed that they had a right to be considered in this matter, and that no fixed terminal point should be settled but that the best route should be left to the judgment of the engineers.

Mr. JONES (Leeds) said the Government should not concede the principle of fixing any definite point with regard to this lake any more than for any other portion of the road. If it gave any promises with respect to this part of the route it would find itself bound to concede similar promises respecting all portions of it.

Hon. Sir JOHN A. MACDONALD said he did not see that this was so. Ontario had a large railway system of its own which it was very naturally anxious to see connected as closely as possible with the Pacific Railway and the Government was willing to accede to this desire. The general route of the Pacific Railway would not be affected by this concession to Ontario, although perhaps a deflection might be necessary. No promises could be made respecting any other portion of the general line of road as that could only be settled after more full reports and mature consideration.

Mr. SHANLY said that the whole Nipissing territory was within the limits of Ontario, and he could see no difficulty as to where the road lay in respect to Lake Nipissing. Some scope ought to be given to engineers who were surveying the line. He (Mr. Shanly) knew this part of the country very well, and did not think there could be any difficulty in connecting the Pacific with the Ontario railways, no matter on which side of Lake Nipissing the former was built.

Mr. GIBBS said that if there was to be any difficulty about this matter it had much better be fought out first than last. (Hear, hear.) It was his duty as an Ontario representative to see that Ontario's inte-

rests were not altogether neglected, and he thought Ontario would be very much dissatisfied, much more than the Government would like, unless some security were given to it that the terminus would be on the south side of Lake Nipissing. There would be a feeling that the interests of the Province would not be sufficiently guarded unless some such stipulation were made. He wished the matter to be settled at once.

Hon. Mr. LANGEVIN quoted from the report of the Chief Engineer to the effect that a line from any point between the Georgian Bay and the west end of Lake Nipissing was impracticable owing to the roughness of the country; that a line drawn up the valley of the Ottawa from a point east of Lake Nipissing seemed much more promising. To attempt the discovery of a favorable line from the westerly end of Lake Nipissing to the north side of Lake Superior would cause great expenditure of time and money without much hope of success, and the east end of Lake Nipissing was nearer than the west end to Bracebridge, to which point the western railway system was now in course of construction. Hon. gentlemen must see that it was not a question of preference on the part of the Government, it was an engineering question, and the instructions to the Chief Engineer were to trace a line from or near Lake Nipissing to the Pacific Ocean and nothing more. Since the question was raised the other day, he had asked the Chief Engineer whether he had received any further information which would lead him to believe that a better line could be found than the one indicated in his report, and the answer was that he had not. Before the line was finally selected, complete surveys would be made on both sides of the lake, and the best and cheapest route would be selected. He could not, therefore, say whether the line would pass to the east or west of Lake Nipissing, but it would start from the south so as to connect as nearly as possible with the railway system of Ontario and Quebec.

Mr. WRIGHT (Ottawa) thought the Government had not given that consideration to the subject which its importance demanded, and in the interests of the north shore of the Ottawa River, which had hitherto been neglected, he maintained that the northern route was the best and shortest. He thought that a thorough survey should be made, and he would move that the amendment of Hon. Sir George Cartier be amended by striking out the word "south."

Mr. Gibbs.

Hon. Mr. BLAKE said the hon. gentleman would see that by striking out the word "south" it would not make sense.

Hon. Sir GEORGE CARTIER, as the mover of the amendment, wished the clause to remain as it was before any amendment was proposed.

Mr. CUMBERLAND thought the matter should be settled at once. He looked upon the first report of the Chief Engineer, which held that the Mattawa route should be selected, with great suspicion. In making a survey of this nature the instructions should be laid down not only on engineering but on commercial considerations. In ninety-nine cases out of one hundred where instructions had been given for similar works, they were based on commercial considerations, and the engineer was instructed to make his explorations and if there were engineering difficulties in the way that he was instructed to take the next nearest route. He was surprised that the Chief Engineer had started at Mattawa. The natural place to have started was somewhere at the south of Lake Nipissing, and if from engineering difficulties he was driven to the north shore it could not be helped. A distance of forty-two or forty-five miles from Lake Nipissing would be a disappointment to Ontario, and he believed further surveys of this part of the country would show that the engineering obstacles were not too great to be overcome. He hoped that local prejudices would not be allowed to interfere with the settlement of the matter, but that it would be considered not simply from an engineering point of view, but with regard also to the great commercial interests involved.

Hon. Mr. BLAKE said it was quite obvious that the matter was in the vaguest condition at present. The amendment did not give a pledge that the line should pass on the south side of Lake Nipissing. It would pass on the north and east, and if the amendment was adopted could take a turn so as to terminate at the south. He would move that the motion of the Minister of Militia be amended by striking out the words "or near," and substituting the words "on the south shore of Lake Nipissing."

Hon. Sir GEORGE CARTIER explained that he intended his amendment to read in that way.

Hon. Mr. BLAKE said that the only question then was as to whether the line should go north and east or south and west, and he would move that, if found practicable, the south and west route should be adopted.

Hon. Sir GEORGE CARTIER thought

the hon. gentleman should be satisfied with the terminus on the south shore.

Mr. SHANLY thought the word "south" should be left out. He could not see why the line, if built on the east, should hurt Ontario at all, and if one run was as good as the other, the easiest should be selected. He thought the clause should read so that the terminus should be on Lake Nipissing without specifying any particular point.

Hon. Mr. McDUGALL (Lanark), thought there should be a clear understanding as to the policy of the Government with respect to the location of the road. The object of the Act, as he read it, was to connect the Pacific Coast with the railway system of Canada, so as to bring the trade through the settled portions of the country; and he thought a majority of the House would favour the shortest route which made such connection. Our railways were already being built towards Lake Nipissing, and he had no doubt they would be able to connect at some point. It was not desirable to put in the Act a provision which would compel the Government to carry the line to the south. It might not be practicable.

Mr. JONES (Leeds), was strongly opposed to taking final steps in fixing the location in the absence of definite information. The Grand Trunk was an instance of the misplacing of a line. It ought to have been located farther inland. Supposing this line was located on the north shore of Lake Nipissing, would it be supposed that it would not be extended farther in after years. It was most absurd to say it would not. The best thing to do was to leave the question open till more definite information would be obtained from the Engineers.

Hon. Sir FRANCIS HINCKS said all the speakers had treated the question as though the Government were going to build the road, whereas it was to be built by an incorporated Company, and the original proposition was that the Canadian Pacific Railway was to connect with the railway system of Canada, but it was necessary to fix on some common point by which that object could be attained. Hence the selection of Lake Nipissing. The words of the proposition were doubtless at first necessarily vague, but the object was to select a point from which the line could be constructed in the cheapest and most direct manner.

Hon. Mr. BLAKE said it was quite true that the line was to be built by a private company, but the interests of the country must be guarded. We were making a blind arrangement by agreeing to give a

bonus before the route was definitely settled.

Hon. Sir JOHN MACDONALD said it seemed that the hon. gentleman could not refrain from drawing imaginary conclusions from the remarks of the Minister of Finance. The hon. gentleman knew quite well that it was the interest and desire of the Government and of every Government, to get the best line for the country. They could have no other object. They had no other object. If every individual of the present Government were out, and gentlemen opposite were in office, these gentlemen would feel the same obligation as the present Government to do the best they could and get the best possible line. The Minister of Finance was quite right in saying that it was of great consequence that the Government and the Company should work together; but the Government were responsible to the country, and if the Company would not agree to the terms the Government thought proper in the interests of the country, they would not get the contract. The point before the Committee was simply this, that from the present information it was not known whether a satisfactory or good line could be got, running to south of Lake Nipissing. The Engineer did not think that such a line could be got. That might be or it might not. The Minister of Public Works had already stated that the Government would see that exhaustive explorations were made before the point was decided, and that the decision would be guided by such explorations, and by the consideration of the interests of the whole Dominion. There was a subordinate yet important question as to the connection of the line with the railway system of Ontario, and that could be secured whether the line ran to the north or to the south of the lake, by making a connection down to a point south of Lake Nipissing. That was only a matter of justice to the people of Ontario, who would have to contribute so largely to the construction of the railway, so that while the line must be settled in the interests of the whole Dominion, it must be brought down to a point where it could connect readily with the Ontario system of railways.

Hon. Mr. MACKENZIE said the House had had experience in confiding to the Government in a matter of this kind. In the case of the Intercolonial they took the very worst route possible—loud cries of "no, no,"—and there was no reason why the same might not be done again. The true policy was for the House to determine, as far as possible, the route of any

great work. On a previous evening it had been moved that, until the survey was complete, and the House had chosen the route, no contracts should be given out, but the House deliberately rejected that proposition, and it now proved that the line would probably commence at a point forty-five miles north of Lake Nipissing, and that a branch line would be run down to touch the south corner of the lake to connect with the Ontario Railways. That plan would increase the distance from Toronto and other points on the lake by some fifty or sixty miles, and the object of the amendment was to run the main line to the southwest of Lake Nipissing, even though the main line might have to be lengthened. An increased distance of fifty to sixty miles was very serious and would operate very prejudicially to the country. The elevation of Lake Nipissing above the Georgian Bay was only some sixty feet, and if so there would be no serious difficulty in traversing the south-east shore of the lake. Nothing was known of the country to the south of the lake except from the experience of a few surveyors who had made a hurried journey through the country, and there was no reason to doubt that a practicable line could be found in that direction. Mr. Fleming's report pointed out that the rough country was between Lake Nipissing and the northern bend of Lake Superior. The line could not go, however, to the northern bend of Lake Superior. It was exceedingly necessary and desirable that the House should declare explicitly as to the course of the line, and it was of immense importance to the people of Ontario.

Hon. Mr. McDOUGALL (Lanark) asked whether the hon. gentleman would desire to bind the Government to construct the line to the south of the lake, when it might be impossible to do so.

Hon. Mr. BLAKE said his amendment stated that such should only be done if practicable.

Hon. Mr. E. B. WOOD said the main inducement to the people of Ontario to increase the great expense involved was the hope that the line would connect with their railway now proceeding northward to Lake Nipissing, and it was always understood that the eastern terminus of the line should connect with the railway system of Canada. No one could say that the route along the south shore was impracticable; indeed, as he understood it, the difficulties were further west, on the north shore of Lake Superior, and by a curve the same route as would be traversed by running to the north of Lake Nipissing, would be reached in a short distance west-

ward of that lake. It must be borne in mind that the advantage of the railway would depend on the facilities with which it could be reached from the settled portions of Canada, and if the route on the south shore were impracticable, how could the main line be reached by any railway from Ontario? If Ontario were compelled to contribute five-ninths of the interest on the whole debt incurred in the construction of the railway she would not give her land unless satisfied with the route which the railway would traverse, and the House should understand that.

The members were then counted on Mr. Blake's amendment, with the following result:—Yeas, 32; nays, 43.

Hon. Mr. Blake's amendment was therefore lost, and Hon. Sir George Cartier's adopted.

Mr. DeCOSMOS said he would now desire to call the attention of the Committee to the western terminus of the line. It would be seen that the wording of the measure would admit of any arm of the Pacific being considered the Pacific Ocean for the purposes of a terminus for the railway. At the time of the Union one of the delegates to Canada on his return to British Columbia, maintained that the Pacific Ocean, referred to in the terms of the Union, meant the Pacific above and west of Vancouver's Island; while another view of the matter was that the terms referred to any point of the ocean. If the committee would refer to the map they would see the difficulties the railway would have to encounter in a commercial sense if the terminus now proposed were adopted. From the distance given in the report of the Minister of Public Works, it would be seen that Victoria was ninety miles nearer the Pacific than Burrard's Inlet. Immediately opposite to Victoria was the western-most harbour of the United States, and if the Canadian Railway terminated at Burrard's Inlet, it would be at a great disadvantage compared with the Northern Pacific in doing business with other countries. Another point raised in British Columbia was that, in case no other route should be found practicable than the railway following the Valley of the Fraser, it was asked and demanded that a line of railway should be constructed on the east coast of Vancouver's Island, and he desired to ask the Government whether they would construct such a line under these circumstances, connecting Nanaimo with Victoria, and in case the railway should reach the Pacific at Bute Inlet, whether they would extend the line of railway along the east coast of Vancouver's Island, and consider that ex-

Hon. Mr. Mackenzie.

tension an integral part of the Pacific Railway. This was very important to the section of the country he represented.

Mr. NELSON said the hon. gentleman had taken the ground that the railway was to terminate on the Pacific Coast, and that a terminus on the island waters between Vancouver's Island and the main land was not the Pacific coast, and at the same time he advocated that the line should be taken to Victoria or Esquimaux.

Mr. DECOSMOS said he had merely stated that one view taken was that the Pacific Ocean, intended by terms of union, was some point west of the Straits of Fuca.

Mr. WILSON said if that view was taken the ideas of making the terminus at Victoria or Esquimaux must be given up. The question was not whether the terminus should be at Victoria or at some point on the outside of the Island, but where it should be in the interests of the Dominion. It was argued that great advantages would be gained in making Victoria or Esquimaux the terminus; but the only argument was on the ground of a great eastern trade. It would be seen, from the distance given in the report of the Minister of Public Works, that from the mouth of Fuca Straits, Esquimaux was distant at least eighty miles, while Burrard's Inlet was 140 miles distant; so that there was only a difference of sixty miles, which was nothing compared with the great distance across the Pacific. If the terminus were at Burrard's Inlet a very slight divergence would effect a connection with the American system of railways. The terminus of the Northern Pacific Railway was to be at a point not thirty miles distant from New Westminster, and a tremendous advantage would be gained by placing the Canadian line in immediate connection with the American lines. If the line was carried to the north of Bute Inlet that advantage would be lost, and it could only be carried there with the intention of extending it to some point on the Island, for that inlet was at least 160 miles north of Burrard's Inlet. Mr. Waddington's pamphlets showed clearly that the cost of constructing a line to Victoria, by way of Bute Inlet, would be something like \$20,000,000, and the Government would not incur such an expense for the small advantages of a gain of about sixty miles in the Eastern trade. If the line was carried to the north of Bute Inlet, it was carried away from the best portions of British Columbia and from the largest expanse of navigable waters in the Province. He desired to refer to the San Juan question, which had been very much overrated. The only value of that question was in its military aspect. Now Bur-

ard's Inlet could be made a second Sebastopol, and in the event of war with the United States could be made impregnable. He apologised for keeping the House so long, but hoped it would be seen that Victoria as a terminus was one of the most exposed possible, while Burrard's Inlet could be made impregnable, and that a railway to Burrard's inlet would pass through the best portions of British Columbia, and would also connect with the American railway. (The hon. gentleman was cheered heartily on taking his seat.)

Hon Mr. LANGEVIN said the western terminus had not been decided upon, because they had not determined on the exact route, and proceeded to explain, in reply to the remarks of the member for Victoria, when,

Mr. DECOSMOS said the question he wished to put was whether, in case the engineers and the Government decided that the railway shall reach the Pacific at some point on Johnson's Straits the Government would undertake to construct a line of railway from that point to Esquimaux.

Hon. Mr. LANGEVIN replied that the Northern Pacific Railway ended at Puget Sound, and the competition which that line will make with the Canadian Pacific Railway renders it desirable to select a terminus that will put us in the best possible position for competition with the American Railways. If it should be decided that we can cross Seymour's Narrows or Johnson's Straits with a railway train, there can be no doubt that the interests of British Columbia and the Dominion as a whole will be better served by adopting that route. It will give us a good harbour on the Pacific and place us in the best possible position with the American railways. If a railway bridge cannot be built over Seymour's Narrows or Johnson's Straits, the question will be to see whether a ferry cannot be maintained to carry across. Mr. Waddington's name had been mentioned in the public documents that gentleman published before his death. He argued very strongly in favor of a steam ferry across Johnson's Straits. He thought that one bridge might be built, but for the larger reach a ferry might be necessary. The next point was whether, if practicable, the railway should be taken to Burrard's Inlet. He had no doubt that the Government would consider it necessary to bring the railway to that point. The object was to bring the railway to the nearest point on the Pacific, and the nearest point to compete with the American railways, but it has not yet been decided whether a proper crossing can be obtained at Seymour's

Narrows. Examination and surveys are now going on.

Mr. DeCOSMOS said the explanation was quite satisfactory in one respect, but he wanted to know whether the Government was prepared, in case the railway should start at Burrard's Inlet, to construct a branch line from Victoria to Nanaimo, and in case they take the Straits whether they will cause a line to be constructed along the east coast.

Hon. Mr. LANGEVIN replied that the intention of the Government was to go to Esquimaux; but of course if it was impracticable they could not go, and should the railway be carried to Burrard's Inlet, a ferry will be established and a line will be carried to Esquimaux as part of the railway.

Mr. DeCOSMOS expressed himself perfectly satisfied with the explanation made.

AFTER RECESS.

The House again went into committee on the Pacific Railway Bill.

The first clause of the bill, as amended, was adopted to the following effect:—"A railway, to be called 'The Canadian Pacific Railway,' shall be made in conformity with the agreement referred to in the preamble to this act, and such railway shall extend from some point on or near Lake Nipissing, at the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor in Council, and the course and line of the said railway between the said points to be subject to the approval of the Governor in Council.

Upon the second clause being put,

Hon. Sir GEORGE CARTIER said it was his intention further to amend the bill so as to embody the amended resolution adopted in committee of the whole with regard to the money subsidy, by providing that the payments should be made in instalments according as the railway progressed, taking into account the difficulties and costs of construction of the various sections. Another amendment he had to propose was with regard to the company to be incorporated by the Government in case an agreement could not be made with any company incorporated by Parliament this session, or any amalgamation of such companies. It was to the effect that any company with which the Government might deal, and which might receive a charter afterwards, should have a capital of at least ten million, ten per cent. of which amount should be paid in. As in the other case he made this amendment, because of a remark he had seen in one of the papers—the *Montreal Gazette*, he

thought it was—where it was very correctly stated that the Government, if it gave a charter to any company not authorized by Parliament this session, should not enter into an arrangement with it upon more favorable terms than it would be willing to grant to a company, or amalgamation of companies, authorized by Parliament. The last amendment he would propose was with regard to the grant of lands in aid of the branches, and was in the sense that had been suggested by the hon. member for West Durham. The amendment would restrict the amount of land which it would be in the power of the Government to grant for aiding the construction of the Manitoba branch to Pembina and the Nipigon branch to some point on Lake Superior.

Hon. Mr. BLAKE asked whether it was intended, with regard to the last named branch, to propose that lands should be granted to aid it in alternate blocks.

Hon. Sir GEORGE CARTIER—No, because there is no good land in that region to be given, and the grants in aid would have to be made elsewhere. Besides, with regard to Lake Superior branch, it might be found that the lands were to some extent within the Province of Ontario, and the Government would have to trust to the liberality of the Government of that Province to grant lands to assist the company to build the road. (Hear, hear.)

Hon. Mr. BLAKE enquired whether it was expected that the company with which the Government may agree would use its own capital in the construction of the road, for in that case there would be some provision for the payment of a larger sum than one million. As they stood, the provisions were of a singular character. There was to be ten millions of subscribed capital, which invited the idea that the Government expected the Company would spend that amount of its own funds, but it was only required that one million should be paid in. Having regard to the gigantic character of the undertaking and the cost of working the road when finished, he confessed that a capital of ten millions was a very small guarantee of the ability of the company to perform the work, but if it was small as a guarantee it would be still further reduced if only a tenth of it were required to be paid in. The money was to be placed in the hands of the Receiver General, and that being the case he presumed it would be used. He did not, however, see any provision in the bill for the repayment of the money to the company, and he would ask whether it was the intention of the Government to retain it or not.

Hon. Mr. Langevin.

Hon. Sir GEORGE CARTIER said the Government was bound to take care that an arrangement was made with a *bona fide* company composed of shareholders who would not be sham shareholders. As to fixing the amount to be expended of the capital stock of the Company it would be quite impossible to do that now. The Government exacted the payment of one million into the hands of the Receiver General, and as to the expenditure of the remaining nine millions, that would be a matter for consideration between the Government and the Company.

Hon. Mr. BLAKE asked what was to become of the one million deposited with the Receiver General.

Hon. Sir GEORGE CARTIER—Why, of course it will be deposited with the Government. (Laughter.)

Hon. Mr. BLAKE—Forever?

Hon. Sir GEORGE CARTIER—We don't know; the Government will have the million, and it will remain pending the action of the Company.

Hon. Mr. BLAKE—Then I am to understand that the Government will have it one day, but that it may return to the Company the next?

Hon. Sir GEORGE CARTIER—You may depend that will not take place.

Hon. Mr. BLAKE said that it might or might not be returned; but it might be safely assumed from anything that appeared in the bill to the contrary that the Government would have the power to return the money. The House was then afforded another illustration of the absolute truth of the the proposition of the hon. gentlemen opposite that "the Governor in Council was a great institution." (Laughter.) The hon. gentleman might have omitted all the propositions he had claimed credit for having inserted in the bill, for they were entirely illusory, if it was to be understood that the money, after remaining in the possession of the Government for a short time, was to be handed back again. The practical result would be that it might be paid back to the Company immediately, and that the road might be constructed, or partially constructed, upon the resources of the Government, without any expenditure of the resources of the company. Then, when the day came—if the day should unfortunately come—when the resources handed over to the company should be exhausted, the most expensive part of the work might still remain to be performed, and the Government would have nothing to fall back upon except to ask for further appropriations.

Hon. Sir FRANCIS HINCKS presumed

the next pretension put forth by hon. gentlemen opposite would be that the Company would have no money at all, and that the Government would make an agreement with it upon that understanding. (Hear, hear.) The provision required the payment of 10 per cent. of the capital. Instead of being illusory, as the hon. gentleman would make it appear, it was a more strict and rigorous precaution than the Government had ever insisted on before. How often had charters been given on condition that a certain per unit of capital should be paid into the bank, a condition which sometimes turned out to be worthless. In this case the Government required that the money should not be paid into a bank but placed in the hands of the Receiver-General, and the very object of that proviso was to prevent practices of the kind the hon. member had suggested. Yet, when the Government insist upon such extreme and unusual precautions, hon. gentlemen opposite tortured that into the appearance of an act intended to delude the House and country in retaining the power of handing back the money to the parties when it pleased. (Hear, hear.) It would be quite impossible for a company to undertake this work under the provisions of the bill without having money of its own with which to carry it on. It would have to procure money somewhere, and the sum of ten millions mentioned on the capital was the *minimum* amount which would be required. There was nothing to prevent the company having twenty, thirty, or forty millions of capital. They only required that it should have at least ten millions before the first step was taken, ten per cent. of which would have to be paid in. It was quite clear to any member of the House, according to the terms of the bill, that it would be altogether impossible for the company to go on without capital obtained, either by subscription of stock or by bonds issued upon the joint security of the land grant and the money subsidy to be given by the Government. It was quite clear also that the money must be at the credit of the Company, for it would not get the money from the Government until it was in a position to claim it. (Hear, hear.)

Mr. DECOSMOS said that, considering there were two thousand seven hundred miles of railway, to be constructed in order to complete this road, it would, in his opinion, be far better if the Government were to make arrangements with several companies instead of one. Hon. gentlemen opposite had spoken a good deal about the enormous cost of this work, one of them putting it down at no less a cost

than one hundred millions. He was prepared to say that small as the population of British Columbia was, the people of that Province were quite willing to come forward and offer material guarantees to build one-half of the railway.

Hon. Mr. HOLTON (ironically)—Hear, hear.

Mr. DECOSMOS said that what he heard from the opposite side only confirmed a belief he had begun to form that hon. gentlemen on that side mistook party for patriotism or else were quite ignorant of the mode of constructing railways on this continent. (Hear, hear.) He for one was willing to cast his lot with the Government in this matter, and while he would have preferred that an undertaking of such magnitude would have been divided among several parties, he considered it his interest and his duty, not only as a British Columbian but as a Canadian, to sustain the Government measure, and to vote for it first, last, and all the time. (Cheers and laughter.)

Hon. Mr. MACKENZIE thought there were other interests to be consulted as well as those of the Province of British Columbia. He asked whether it was intended to require from the company any security that the work would not be abandoned if it should be found to be unprofitable. Upon the Intercolonial Railway contractors had performed those parts of the work which paid best, leaving the rest in the hands of the Government to be re-let at higher rates. Was there to be any guarantee that the same thing would not be done upon the Pacific Railway? He had taken it for granted that the deposit of one million was intended as a substitute for the personal bonds which were usually required from contractors; and if he was correct in that view, the money would have to remain in the hands of the Receiver General until the road was completed, or so nearly completed as to render it reasonably certain that it would be finished, and not forsaken by the company when the public subsidies were exhausted. If that was the intention of the Government it would be only reasonable to make a change in one of the clauses to that effect.

Dr. ROBITAILLE said that before the recess the hon. member for Lambton had stated that Major Robinson's route for the Intercolonial Railway was the very worst that could have been adopted. In the debates upon Confederation, however, the hon. gentleman had told a different story. He Dr. (Robitaille) went on to read, amid greater laughter from both sides of the House, an extract from the speech in

question, in which the member for Lambton highly extolled Major Robinson's route as being the most practicable, and as passing through a country rich in lumber and other valuable resources. He then proceeded to say that since that speech had been delivered the hon. gentleman had, session after session, asserted in his dogmatic way that the route was the worst that could have been selected, and that it passed through a country where there was nothing but rocks, and which was quite unfit for settlement. Surely consistency was a great jewel (cheers).

Hon. Mr. MACKENZIE said that speech was read so often (laughter) that he was quite sure everybody must have it by heart. It had been delivered in 1865, when the only report upon the route was that by Major Robinson, and when the facts he had stated were collected from that report. It was the only source of information upon the subject at that time, but since then there had been reports by Sandford Fleming, by Wilkinson and by Buck, which showed that the route was much longer than another that was found to be practicable, and that the character of the country through which it passed was of an entirely different character from that represented by Major Robinson. He had no hesitation in taking the responsibility of saying at this moment that that speech was entirely correct at the time when it was delivered (great laughter). The position was altogether changed, however, when further surveys were made, and what he blamed the Government for was that it adhered to the route after it had been conclusively shown by the reports of other engineers that it did not possess the advantages that he believed it did possess when there was only Major Robinson's report to guide one's judgment in the matter. He maintained that he had been consistent throughout, and no matter how often the speech might be quoted against him he would be prepared with a satisfactory explanation.

Mr. A. P. MACDONALD—What was the hon. gentleman's route if Major Robinson's was not?

Hon. Mr. MACKENZIE said his view as to the proper route had been presented in the resolution he had submitted to the House at the time. He had held then that the Government should not be entrusted with such large powers of constructing a railway until a route had been selected and approved by the House, and he took the same ground now in regard to this Pacific Railway.

Mr. ANGLIN said no allusion had been made to the Intercolonial Railway;

Mr. De Cosmos.

he felt it was duty to say that on that occasion he had voted in favor of placing the selection of the route in the hands of the Government, and he had not any reason to regret his course. Acting on the same principle when the question came up with regard to the Pacific Railway he again voted in the same manner so satisfied, was he with the action of the Government on the previous occasion (hear, hear), and another reason why they should have the power in this case was that the House was not in possession of sufficient information to enable them to determine a route, nor could one now determine where the terminus should be. He had no doubt that the hon. member for Lambton acted in perfect good faith with the information he then had, in advocating the north shore route of the Intercolonial. For the information of those who never sneered at that route he would say that a great part of the land along the line was of a very superior description. The member for Lambton, when he visited that country, had not penetrated the better part of it. He (Hon. Mr. Mackenzie) had said that between Bathurst and Moncton, a distance of 150 miles, there were not ten miles fit for cultivation, but he was entirely mistaken. There might be some land of a swampy and inferior nature, but there was as good land in the neighbourhood as any in the Dominion, particularly in the County of Kent. The county was not such a barren wilderness as the member for Lambton represented it to be.

Hon. Sir JOHN MACDONALD said that as the member for Lambton had had an opportunity of proving his consistency, it would be as well to go on with the discussion of the Bill before the committee.

Hon. Mr. MACKENZIE—There was no necessity; no one doubted it.

Mr. WRIGHT (Ottawa) thought the Government had been inconsistent in altering the clause respecting the terminus of the Railway (laughter.) He complained that the chairman had declared the clause carried without putting it fairly before the House.

The chairman explained that the clause had been fairly put and carried.

Mr. WRIGHT (Ottawa) maintained that it had not been put in a proper manner. (Cries of chair, chair.) This question was of greater importance to that section of the country directly interested than most people seemed to imagine, and all that he desired was fair play, and—

Hon. Mr. BLAKE rose to a point of order. He understood that the clause was carried; the hon. member was out of order.

Mr. WRIGHT (Ottawa) would move then that the clause be reconsidered. (Laughter.)

Hon. Sir JOHN MACDONALD said the hon. gentleman would have an opportunity of expressing his views on the reception of the report, and also on the third reading of the bill.

Mr. WRIGHT, (Ottawa)—I will indulge that opportunity to the full. We will meet again at Phillipi. He regretted that there should have been any appearance of unfairness in carrying an important clause by a trick. (Cries of order, order.) He would say it emphatically, and would appeal to his friends from Lower Canada if that was not the feeling.

Hon. Mr. YOUNG would simply remark that his information did not lead to the conclusion that the land on the Intercolonial was as good as it was represented by the member for Gloucester. He happened to know a contractor who had travelled over the road, and who had given his opinion that on more than 100 miles of it he would not grow potatoes sufficient for ten Irishmen. (Laughter.)

The second clause providing how the line shall be made and worked; the capital of the Company and the time limited for the construction was then adopted.

The third clause was then put, providing for a land grant not exceeding 50,000,000 acres, in alternate blocks of 20 miles on each side of the line, or if such blocks should be less than 50,000,000 acres, empowering the Government to make up the quantity elsewhere, and providing also that in Ontario the land grant should be such as might be agreed upon with the Government of that Province, the land to be granted from time to time according as the railway was constructed, and in quantities proportionate to the length, difficulty and cost of construction of each portion.

Hon. Mr. MACKENZIE said it would be observed that the terms of this clause did not limit the size of the blocks of land to be granted. It merely stated that they should be 20 miles in depth, but it did not give the length of the blocks along the line. It was quite evident that the phrase "alternate blocks, 20 miles in depth," might be construed as being in one place, 30 miles in length and in another ten miles. It might give the Government power to give an immense quantity of valuable lands in one place to the Company, while in another place where the land was of an inferior quality, blocks of a smaller size might be allotted. He thought it should be provided that the blocks should be of

one size, and opposite each other on both sides of the line.

Hon. Sir GEORGE CARTIER would state that this question of frontage had been duly considered by the Government, and as it was impossible for the Government or the House at this moment to know precisely the character of the land along the line, the Government had not thought it advisable to fix the frontage. In some localities the land might be worth a good deal, while in others it might be worth nothing at all, and consequently it might be a nominal frontage. As the hon. member had raised the objection, the Government would take it again into consideration, and when the report was received they would state their decision to the House. If they did not come to the conclusion to alter the clause with regard to frontage, the hon. member could then propose what course in his opinion should be adopted. There was another reason having regard to the portion of the railway which would run through the Province of Ontario. As he had stated, the Government relied on the grant of alternate blocks by the late Ontario Government, but then the present Government of Ontario might not follow up that understanding. The matter would probably be a subject of communication between the two Governments, and as a matter of course, the frontage of the blocks on that portion of the line running through Ontario, would be for the decision of the Ontario Government. For all these reasons, it had been thought better not to fix the frontage at this moment.

Hon. Mr. BLAKE said as to the difficulty of the character of the land being unknown, he supposed it was not intended that either the Company or the Country should get all the bad land, and thought the best plan would be to fix the size of the blocks; but it should be provided that the blocks owned by the Company on the two sides of the line, should not be opposite each other.

Hon. Sir GEO. E. CARTIER said the Bill provided that the blocks on the different sides should not be apposite.

Hon. Sir JOHN. A. MACDONALD asked whether he understood aright, that blocks of 10 miles in length would be an acceptable arrangement.

Hon. Mr. BLAKE acquiesced.

Hon. Mr. MACKENZIE thought 10 mile blocks would be reasonable, so that two Townships of 10 miles square each might be formed. He thought there should be a provision for a uniform survey of the lands, both of the Company and of the Government, so that there would be no confusion.

Hon. W. J. Mackenzie.

Hon. Sir GEO. E. CARTIER said that the lands could not be given until surveyed.

Hon. Mr. MACKENZIE meant the subdivision for purposes of sale.

Hon. Mr. BLAKE said no provision was made as to how the expense of these surveys should be borne.

Hon. Sir GEO. E. CARTIER said the surveys now being made were at the expense of the Company, as they would form a part of the subsidy. He thought it would be fair that Government should bear the expense of laying out the blocks, while all subdivision of their blocks must be made by the Company.

Mr. DECOSMOS on speaking of the construction of the line by a company, was called to order by

Hon. Mr. E. B. WOOD, who said the principles should not be discussed at every clause.

Mr. DECOSMOS said he should state his views on the subject as he believed the Dominion had a future, though the ex-Government of Ontario might have no future. He believed that the blocks given to the Company on the two sides of the line, should not be immediately opposite to each other. In the United States the price of the lands was limited and the time within which they could be sold, so as to limit the power of the Company as against the actual settler; and he believed a similar provision was advisable in the present case, and would prevent many grievances. As far as British Columbia was concerned he desired to ask that the Government would not give anything more than the alternate sections, as he believed anything else would inflict serious injury and retard instead of advancing settlement. He would leave the matter in the hands of the Government. If there was one question that was rising before the English speaking people of America, it was the land question. The land ought not to be handed over to any railroad monopoly to the injury of actual settlers, and he hoped the Minister of Militia, whose patriotism was so well known, who contributed so largely to the bringing about of the Union of British Columbia with Canada and who now had this railway in hand, would use his influence to protect the Western portion of the continent as against any Railway Company that would grasp all the land and make settlers mere hewers of wood and drawers of water.

Hon. Mr. McDUGALL thought it would be well for the Government to consider the importance of the question, that the grant of land proposed to be given to the Railway Company was one of the means for the construction of the work.

The value of the land was an important consideration, and every condition imposed on the Company, not absolutely requisite in the public interest, and which involved expense, was so much taken out of the fund to complete the road. The argument of the member who had just spoken was, no doubt, worthy of consideration; but in the United States the system of land grants to Railways had been carried to an enormous extent. In the present case it was proposed to aid a Company to construct the line and so take it off the hands of the Government; and it must be considered whether the means placed in their hands were sufficient to enable them to do the work within a reasonable probability. Looking at the question from this point of view, it would be admitted on all sides that the aid would not nearly amount to a sufficient sum to construct the line, and a considerable portion of the money must be found from some other source, and, therefore, any conditions imposed on the Company involving expense on their part, would lessen the means for the construction and would have to be supplemented in some other way. As to the survey he did not think it expedient to impose any conditions on the Company, for they must sell their blocks, and they would probably find that they would be able to dispose of tracts of land to Companies for the purpose of placing emigrants on the land, and it might then be found that some system of subdivision would be more proper and would answer the purposes far better than any iron rule laid down in the Bill. The work must be carried through, and if the Company failed the Government would have to take the matter up, and therefore it was inexpedient to do anything further than was necessary in the public interest, in imposing conditions on the Company. He differed from the idea that it was necessary to limit the blocks to a uniform length of ten miles, as it might prove more convenient to make them of different sizes in some places, and it could make no difference if the blocks reserved were the same size. The strip of 20 miles was most insignificant, compared with the enormous tract of country at the disposal of the Government, and the country would be very glad to give the whole strip of 20 miles on either side, if that would secure the construction of the Railway.

Hon E. B. WOOD said he understood the member for Victoria (B.C.) to advocate some limitation of the price at which the Company should dispose of the lands and the time within which the land should be disposed of. This would be inconsis-

tent, as it would be for the interest of the Company to realize as fast as possible. He referred to a proposition moved on a former occasion by Mr. Young, to reserve to Parliament the power to deal with the blocks reserved for the Government, when one of the first who jumped up to negative the motion was the member for Victoria, and yet he now wanted the Government to limit the disposal of the lands.

Mr. BODWELL said there was no description in the measure of the lands to be granted to the Railway outside of the blocks on the line. He suggested that those lands should be apportioned to the Company in alternate blocks, similar to those alongside the Railway.

Hon. Sir GEORGE E. CARTIER said he had already explained that, by the Government giving the alternate blocks to the Company and retaining blocks of the same dimensions, to the depth of twenty miles on each side of the line, it would make to the Company only thirty-five million acres. If you go beyond that quantity the measure proposes that other land elsewhere, at the disposal of the Government, may be given to the Company, provided that a like extent of land should be set aside by the Government, in order, by the disposal of that land, to recover the money subsidy advanced to the Company; therefore the Government must take care, if it should give such grant, elsewhere than along side the Railway, to see that the land retained is of like value to that given to the company building the line. The Government could not be very specific in any expressions on the subject, as they could not say where the land would be, but the proposition of the hon. gentleman should receive their consideration.

The clause was then carried, and

The fourth clause was put. It provides that the subsidy or money aid to be granted to the company shall be payable in such manner and upon such terms and conditions as may be agreed upon by the Government and the Company, the total amount not to exceed thirty million dollars, and the Governor in Council is authorized to raise, by loan, such sum required, not to exceed thirty million dollars.

Hon. Sir GEORGE CARTIER moved in amendment to the effect that the subsidy provided for in this section shall be granted from time to time by instalments as any portion of the Railway is completed, in proportion to the length and engineering difficulties.

Mr. JOLY quoted from the *Toronto Leader* of last year to show that the House had been told that no increased taxation

would be necessary to provide for the money subsidy, and that the Government had stated that the subsidy required would be twenty-five million dollars, but they had in one year increased it to thirty million dollars.

Hon. Mr. BLAKE further called the attention of the House to the statement of the Finance Minister last year that they could raise the money at five per cent., but that this year they had increased the amount by five million dollars, and told them that but for the fortunate bargain he had succeeded in making they would have had to pay six per cent.

Hon. Sir FRANCIS HINCKS denied that he or any other member of the Government had said that the road could be built for twenty-five million dollars. The other side of the House had said it would cost one hundred millions. As to the rate of interest, there was no doubt their five per cent. bonds were at par, but it would be utterly impossible for anyone to say, until they might go into the money market, at what rate they could raise a loan. He certainly had said it would make most material difference whether they got the Imperial guarantee or not.

Hon. Mr. BLAKE could not understand why the estimate had been increased five million dollars since last year.

Hon. Mr. TILLEY said it was exceedingly difficult to please his friends opposite. Considering their statement last year that the road would cost one hundred million dollars, they ought to be grateful that the maximum asked was thirty millions.

Hon. Mr. MACKENZIE maintained that the road would cost one hundred millions before it was completed. The land had been valued at from one to two dollars per acre. He was not prepared to place a value upon it, but the fifty million acres of land and thirty million dollars would certainly exceed one hundred million dollars.

Hon. Mr. TILLEY called attention of the House to the fact that by the estimate of the member for Lambton, the land would bring a dollar and a quarter an acre, and allowing such to be the case, the fifty million acres reserved by the Government for the thirty million subsidy would be a very profitable speculation for the country.

Hon. Mr. MACKENZIE believed it would be better and cheaper for the country to pay more money and give less land. He would at the proper time propose an amendment which would develop his views in the matter.

Mr. JONES (Leeds)—If the road is to cost one hundred millions, the amount will have to be raised either by a large

subsidy of land or increased taxation. The general feeling is to give any amount of land rather than increase taxation by giving money, at least that was the feeling of those he represented.

Mr. JOLY quoted extracts to justify the statement he had made as to the amount which the Government had last year stated would be the estimate, which was twenty-five millions, and now thirty millions were asked.

Hon. Sir FRANCIS HINCKS explained that it was perfectly well understood last year that the amounts given in the absence of any definite information were necessarily in round figures.

Hon. Mr. WOOD could quite understand that the twenty-five million dollars was a rough estimate. He was of opinion that the road when completed with rolling stock, etc., would cost one hundred and fifty millions.

Hon. Mr. McDUGALL was surprised at the anxiety of the hon. gentlemen. He referred to the one and a half millions which the Parliament of Ontario had given to railways, and which hon. gentlemen had thought quite too much, but when they had come into power they had changed their views and given four millions. No doubt they were right. By and by, as they got more practical acquaintance with the route, a larger sum than was at present estimated would be required to complete the Canadian Pacific. The amount asked for was merely an estimate, and it was at present mere speculation. The object now was to make a beginning, and if more money were required no doubt it would be given. The member for Lambton had complained of the grant of money and also of the grant of land. That gentleman held a prominent position in the House, and as an honest public man should bring forward an alternative proposition. It would not do for gentlemen to hold in their hands and keep back from the public some grand scheme, and to tell their constituents that they would have done this or that.

Hon. Mr. MACKENZIE repudiated the doctrine laid down by the hon. member for North Lanark. He (Mr. Mackenzie) would like to know what counter proposition the hon. gentlemen opposite had ever brought in when they were in opposition.

Hon. Sir FRANCIS HINCKS admitted that the hon. gentleman who had last spoken was right. It was very fortunate for hon. gentlemen opposite that this was the case. Hon. gentlemen had nothing to do but to find fault in order to lead some deluded people to believe that if

Mr. Joly.

they were in power they would come forward with some grand scheme.

Mr. ANGLIN was satisfied that every shilling the road would cost must be paid out of the means of this Dominion.

Clause four was adopted, and Clause five was put; it provides that the gauge of the railway should be four feet five inches, and the construction of the road, rolling stock, etc., to be such as may be agreed upon between the Government and the Company. Adopted without debate.

The sixth Clause providing for the periods at which sections of the railway shall be completed, and that the Governor in Council may require the Company to work the same for the conveyance of passengers, goods etc., was also adopted.

On the seventh Clause, which provides for the transport of Her Majesty's officers, war material etc., under such regulations as the Governor in Council may from time to time make: considerable discussion arose, urging that some provision should be made for carrying of the mails at a lesser rate than was usually charged by railway companies, inasmuch as the railway was practically being constructed at the public expense.

Hon. Sir GEO. E. CARTIER explained that that clause was not introduced because the Railway Act applied such a provision to all Railway Corporations, and when the different charters of Incorporation were before the Railway Committee, they could take care that a clause to meet the question was inserted.

The seventh Clause was then passed.

The eighth Clause, providing that the cost of the survey made by the Government shall be part of the subsidy, was passed without discussion.

On the ninth Clause

Hon. Mr. BLAKE said that it provided that any part of the Act of Incorporation of a company inconsistent with the agreement authorized to be made with them by the Government, might be declared null and void. This gave a dispensing power over the laws of the land to the Governor in Council, who might nullify what Parliament had done in granting the Act of Incorporation. He thought the clause ought to be struck out.

Hon. Sir GEO. E. CARTIER thought not, as the clause was necessary. The Government proposed to deal with companies to be incorporated by Parliament, and that was one of the reasons why the Government had kept back all these Companies in order that their Acts of Incorporation should be in such form as there would be nothing to be desired with regard to any agreement which

might be made between them and the Company. But as they would be private Companies there might be some provision which might be in the way of the Government agreeing with such Company, and therefore it was necessary that the Government should be armed with power to meet such a case.

Hon. Mr. BLAKE could not agree with the reason. The House was prepared to consider these private Acts of Incorporation and pass them in the best possible shape, and having done so the House should not give the Governor in Council power to repeal any clause of those Acts. If such power was to be given he did not see the use of going over these Acts of Incorporation at all.

Hon. Sir GEORGE CARTIER repeated his explanation, and contended that the clause was necessary.

The ninth clause, providing that the Government might agree with any Company incorporated by Parliament, for the construction of the road, was then carried, as were also the tenth, providing for an amalgamation of the Companies; the eleventh, providing that the agreement to unite should be submitted to the shareholders; the twelfth, declaring the united companies to be one company; and the thirteenth, providing that the Government might enter into a contract with the Company for the construction and working of the road.

The fourteenth clause was then put, providing that the Company might surrender its Act of Incorporation, and accept instead a charter from the Governor in Council.

Hon. Mr. BLAKE said that this was a new principle of legislation, which gave an Order in Council the same force and effect as an Act.

Hon. Sir GEORGE CARTIER said the clause had been well considered, and certainly contained no extravagant power.

Hon. Mr. MACKENZIE held that it was dangerous to authorize the Government to grant powers which should be only conferred by Act of Parliament; such authority had never been sought before, and it was entirely opposed to our whole constitutional system. This was an objection that ran throughout the whole measure, which set a bad example for the legislation of the country, and one that the hon. gentleman might have cause to regret. It might succeed now by the majority which the hon. gentleman was able to control, but he (Mr. Mackenzie) warned him of the disastrous result which was certain to follow.

Hon. Mr. McDUGALL (North Lanark),

thought it unlikely that the clause would ever be put into operation. It seemed to him that if any attempt were made to make a new charter, it would be found necessary, before any serious responsibility was incurred to get the agreement confirmed by Parliament. The principle of making an Order in Council equivalent to an Act of Parliament was a dangerous one, but he did not think that if the power were given in this case it would be used by the Government in a manner injurious to the interests of the Company.

The clause was then carried.

The fifteenth clause, providing that if there should be no Company incorporated by Parliament, the Governor in Council might grant a charter to persons able and willing to form a Company, was next put.

Hon. Sir GEORGE CARTIER said he proposed to amend this clause in such a way as to prevent the Government being placed at the mercy of any one Company or amalgamation of Companies, which, although they might appear to be hostile in their objects, would be really working to accomplish the same end. It was advisable that the Government should have power to defeat any combination of that kind. The clause had been adopted after careful deliberation, and it was upon it that the Government hoped to make a good and economical arrangement, but it had been pointed out to him that if a Company was chartered, the clause made no provision requiring the same amount of capital, or the same amount to be deposited, as in the case of a Company incorporated by Parliament. He, therefore, moved to amend by providing that such Company should have ten millions of dollars of capital, ten per cent. of which should be paid in and secured to the satisfaction of the Governor in Council.

Hon. Mr. BLAKE pointed out that this proposition differed from the others, because it was not proposed to put the Chartered Company upon the same footing as the Incorporated Company, for there was no provision that the deposit should be made with the Receiver General.

Hon. Sir GEORGE CARTIER said it was proposed that the amount should be *bona fide* subscribed, and the ten per cent. secured to the satisfaction of the Governor in Council.

Hon. Mr. BLAKE thought that the same provision should be made as in the other case, and that the one million should be paid in to the Receiver General, and he asked whether there was any objection to providing in the clause that the payment should be made to the Receiver General?

Hon. Mr. McDougall.

Hon. Sir GEORGE CARTIER said there was not.

Hon. Mr. ABBOTT thought it proper and right that the million of dollars should be paid in, but in the case of the first companies the amount could be paid in at any time before the commencement of the work, whereas in the last case the amount was to be paid in within a month after granting the charter.

Hon. Mr. BLAKE thought the provision too stringent.

Hon. Sir GEORGE CARTIER said any additional provision might be imposed in respect of any Company now seeking incorporation, but Government desired to be more rigorous with any Company chartered by them, and not incorporated by Act of Parliament.

Hon. Mr. ABBOTT thought the time of payment should be shorter in cases of the present Companies.

The fifteenth clause was then adopted as amended.

The sixteenth clause was then put, providing for the construction of branch lines from the main line to Lake Superior, and to some point on the line between Manitoba and the United States, and for a land grant in such case, and was carried.

The seventeenth, eighteenth and nineteenth clauses, respecting officers to superintend construction of Railway, Reports by Company, and Interpretation respectively, were put and carried, and the Committee rose and reported the Bill as amended.

Hon. Sir FRANCIS HINCKS moved the second reading of the Act to Repeal the Duties of Customs on Tea and Coffee.

Hon. Mr. BLAKE asked whether any estimate had been formed of the amount of duty that would be repaid to the holders of tea and coffee?

Hon. Sir FRANCIS HINCKS said it would be very large—it was impossible to say how much, but he did not think it would reach \$100,000.

The bill was read a third time and passed.

Hon. Mr. TILLEY moved the House into Committee to consider the following Resolution: "That it is expedient to repeal the Act of the Legislature of New Brunswick, 26 Vic., cap. 36, respecting the government of pilots in the county of Charlotte—and to authorize the Governor in Council to appoint three commissioners for the said county, who shall have power to make rules and regulations for the government of pilots for the coasts and harbors of the county; to fix the rates of pilotage, and to impose penalties, not exceeding \$40, for any breach of any such

Rules and Regulations approved by the Governor in Council."

The motion was carried, and the House went into Committee, A. P. McDonell in the Chair.

Hon. Mr. TILLEY explained that the resolution was merely a revival of an old law.

The Committee rose and reported the Resolution.

Hon. Mr. TILLEY introduced a bill founded on the resolution, which was read a first time.

Hon. Sir JOHN MACDONALD moved the House into Committee on the Act to amend the law relating to the fraudulent marking of merchandize.

The motion was carried, and the House went into Committee, Mr. Mills in the Chair.

The bill was adopted, with some slight amendments, and the Committee rose and reported.

The House then adjourned at 11:30.

SENATE.

WEDNESDAY, 29th May, 1872.

The SPEAKER took the chair at 3 o'clock.

Bills on the following subjects were read a third time:—Caughnawaga Canal, G. T. R. and Town of Galt, Detroit River Tunnel Co., Northern Railway Extension, Martin's Divorce, Presbyterian Church Widows' and Orphans' Fund, Banks and Banking, Exchange Bank of Canada, Bank of Acadia, Maritime Bank, Hamilton Bank, and St. Lawrence Bank.

Bills respecting Quebec Frontier Railway, Canadian and European Telegraph Co., Savings Bank of Toronto, Bank of St. John, Grand Trunk and Montreal and Champlain Railways, were read a second time.

The House went into Committee and passed the Bill relating to the Washington Treaty without amendment. The Bill was then read a third time and sent to the Commons.

HOUSE OF COMMONS.

WEDNESDAY, 29th May, 1872.

After routine,

INQUIRIES.

Mr. DREW—Whether any claim had been made by the Hudson's Bay Company, for losses sustained by them in con-

sequence of the late insurrection at Red River in the years 1869-70?

Hon. Sir FRANCIS HINCKS said there had been no claim made.

Mr. THOMPSON (Ontario)—Whether the amount taken from the Municipalities Fund of Ontario by Reiffeinstein, has been made good to the Municipalities interested, and if so, when will it be paid over?

Hon. Sir FRANCIS HINCKS said it would be paid over in due time.

NEW BRUNSWICK SCHOOL LAW.

Resuming adjourned debate on the proposed motion of Mr. COSTIGAN, for an address to His Excellency the Governor General on the subject of the School Law of New Brunswick, and praying that the same may be disallowed, the motion of the Hon. Mr. Gray in amendment thereto, and the motion of the Hon. Mr. Chauveau, in amendment to the said amendment.

Hon. Mr. SMITH (Westmoreland) said that this debate had been adjourned on account of its great importance. He had been opposed to the unholy influences which had brought Confederation about, but after it was carried he considered it his duty to give it a loyal support. Nevertheless the party with which he was connected regarded the rights conceded by the Act of Confederation as unalterable. If there should exist a right to change the constitution an evil would be created which it would be difficult to remedy. He claimed in the matter of the school law, that it was a matter belonging wholly to the Local Legislature and ought not to be interfered with by the Dominion Legislature.

Mr. COSTIGAN wanted to know if a Roman Catholic established a school, under the law, he could draw the amount of money allowed for denominational schools.

Hon. Mr. SMITH said he could, but what he contended was, that school legislation was entirely a Provincial concern. The Legislature of New Brunswick in this matter acted *inter vires*. This Parliament might have the power to whip that of New Brunswick into submission—(a voice "No, Sir")—but New Brunswick in that event would await her opportunity and avenge the wrong. He appealed to the members from Quebec especially not to do anything which would seem to be a violation of the constitution. Neighbours to New Brunswick, and with especial institutions, he had expected support from her for the Local Government of New Brunswick. In New Brunswick, Catholic and Protestant were in favor of direct taxation for the maintenance of Common Schools. If the

House were in favor of a scheme to prevent Common School education in New Brunswick, they would accept this Bill; otherwise they would reject it.

Mr. COLBY thought that every member of the House appreciated the gravity of the measure, and that every member regretted the introduction of such measures into this House. If there was one thing more than another calculated to create mischief it was these religious questions. The question, however, had come up and must be met by this House. Believing that education must be subordinate to religion, he nevertheless sympathized strongly with the mover of this motion; but he did not believe in the employment of the veto power unless there was a palpable violation of the constitution, and an absolute necessity for its employment; and he thought under present circumstances the House should refrain from the exercise of that power. He thought, nevertheless, that this House might express regret that the School Law of New Brunswick had proved unsatisfactory to a large portion of the population of that Province, and would move amendment to that effect.

Mr. COSTIGAN wanted to know whether the Government accepted the amendment of the honourable member for Quebec.

Hon. Sir JOHN A. MACDONALD said that while the Government fully appreciated the motion of the honourable member for Quebec as one tending to relieve the Government from an embarrassment, the Government nevertheless were inclined to support the amendment for a mere expression of opinion as suggested by the honourable member who had just sat down (Mr. Colby.)

Mr. COSTIGAN could not understand what pressure had been brought to bear upon the Government to make them change their views in this matter.

Hon. Mr. CHAUVEAU said his motion was merely an explanation of what he believed to be the spirit of the constitution which pointed towards more liberal legislation in favor of minorities.

Mr. CARTER thought the question had two points for consideration, the legislation of the New Brunswick Parliament, and whether this Parliament had a right to interfere in the matter at all. He believed that the Dominion Parliament had no right whatever to interfere in the matter. Legislation in this matter would open the door for legislation adverse to the interests of the Protestant minority in the Province of Quebec, and he therefore hoped it would not be persisted in. He

Hon. Mr. Smith.

was in favor of Mr. Colby's proposed amendment.

Hon. Mr. MACDOUGALL thought it was to be regretted that the difficult question was once more under the consideration of the House. He had suffered somewhat politically by having endeavored in 1862 to place this matter on a permanent basis by taking it from the arena of politics. His political friends were then dissatisfied. That has now entirely changed, and the course which he and his colleagues had then pursued was now most fully approved of. The priests of the Roman Catholic Church believed that religious teaching in public schools was essentially necessary and that privilege had been conceded to them. The protection of minorities had been most wisely determined upon, and in Ontario and Quebec there had been no complaint. The National School system nor the education of the people had not in any way been interfered with. He did not believe in calling upon the Imperial Parliament to interfere in such matters. It would be a mere bold expression of opinion unless they provided, which they were not very likely to do, an altogether new school machinery. He was opposed *in toto* to the proposition of the hon. member for the County of Quebec. He approved of the motion in amendment of the honorable member for Stanstead.

Mr. JOLY thought there was a point in this debate to which attention had not been called. He drew attention to the policy in England on the subject of education. Earl Russell had declared that the omission of religious teaching in schools would be highly prejudicial to public morals. He read an extract from a newspaper in which it was stated that the people of both England and Scotland were strongly opposed to mere secular education and insisted upon religious teachings. Religion, he contended, was the basis on which all education should be founded. He insisted upon the principle of separate schools. There might be a national unity, but a religious unity were impossible. He thought the law of New Brunswick was against the general interests of the Dominion, and would vote in favor of the main motion of the honorable member for Victoria.

Mr. ANGLIN rose to speak, but the House declared it was 6 o'clock and rose.

AFTER RECESS.

Mr. ANGLIN said that he felt himself to be in such an extraordinary position with regard to the resolution of the honorable member for Victoria in con-

nection with the amendments made to it that he could not give a silent vote. The whole position was so extraordinary that he really did not know what it was best for him to do. The amendment of the honorable member for Stanstead, expressing regret that an injustice had been done to the minority of New Brunswick, he believed to be of no substantial benefit whatever. He was rejoiced at the amendment by the honorable member for Quebec, as it seemed to him to be a security for minorities in the future. Compared with this, railroad and all other questions sank into insignificance. The Roman Catholics of New Brunswick asked for the smallest modicum of justice, that with their own money and means they might be permitted to educate their children as it was desirable they should be educated. The expression of opinion proposed by the honorable member for Stanstead, afforded Roman Catholics no security whatever.

Mr. BOLTON would not have spoken but for some remarks that had been made as to the feeling existing in New Brunswick. The indignation there had been compared to the growling of a lion with his prey. He regretted that remark, for it referred to gentlemen who had been actuated by feelings as kindly and good as ever actuated any men in the performance of their duty. Their aim was to provide education for all, for the poor and lowly, and the indigent, as well as others; and, though they might not understand the extreme sensitiveness of the Catholics, their motives were pure. The member for Gloucester had quoted from a speech of the leader of the New Brunswick Government as evidence that no relief could be obtained there for the Catholics; but he (Mr. Bolton) had heard that speech. It declared that the leader of the Government there would give equal justice to all classes, but exceptional advantages to none. He did not intend to speak of the merits of the question, as he did not think it should have been brought before the House. He did not approve of the Bill entirely or of the resolutions, but they were matters which could be remedied. The law had not been six months in operation, and when the evil was seen he trusted it would be remedied and justice done. He would be glad to see the system in force in Ontario adopted. Free schools the people of New Brunswick were determined to have, and the schools were open usually to Protestants and Catholics, and neither had any advantage over the other. He hoped the law would work out well, and that the difficulties anticipated

would be removed, and that the Catholics would receive any relief to which they were entitled. He did not think the Imperial Parliament would ever act on the amendment of the member for Quebec, accompanied, as it was sure to be, by remonstrances from New Brunswick, and he deprecated the excitement that must be occasioned by the getting up of petitions throughout the Province.

Mr. McKEAGHNEY was very sorry that the difficulty existed. They were all bound for the same home, and why should they not harmonize? It had been said that some Sisters of Charity, passing a school, had been told that they must lay down their insignia before they could be admitted. He believed that was a straining of the law. If he were asked by any one outside of Christianity who the Sisters of Charity were, he should reply that they were among the fairest blossoms on the tree of Christianity. They were devoted to every good work and to the amelioration of the sorrows of all classes, irrespective of position or creed. He thought the House should do all in its power to assist the Catholics in their rights.

Mr. KILLAM said there was never a time when the parties of New Brunswick were better than at present, and he had yet to learn that a single individual from that Province desired any amendment to the Union Act in that respect, and he trusted the House would not consent to the motion. The Minister of Justice had decided that the Act was constitutional, and whether the bill was right or wrong there was no doubt that a much greater wrong would be inflicted on the majority, who, under the British North America Act, 1867, had the exclusive right to deal with the question of education, by the passing of the motion. It was childish to propose to bring the matter before the English Government.

Mr. CONNELL looked at the amendment of the member for Quebec as a direct attack on the Act of Union. He regretted that the matter had come before the House. In New Brunswick the Protestants and Catholics get along very well together. The question at present was whether the House had the right to pass a resolution vetoing the Constitution of New Brunswick. They had the opinion of the first law officer of the Crown as to the interpretation of the Union Act. The school act should be allowed to have trial, and the matter could be brought before the Local Legislature, and if there was any evil it would then be remedied. What was the use of the Local House if their rights were to be interfered with by the Dominion Parlia-

ment? He was in favor of the motion suggested by the member for Stanstead.

Mr. RYAN (Montreal), said the question affected the most vital interests of the minority whose feelings were shared by a large portion of the people of the whole Dominion. He could not conceive why the Catholics of New Brunswick should not enjoy the same rights which they had at time of Union, if it was correct that the British North America Act of 1867 guaranteed all rights then existing. He should vote for the motion of the member for Quebec as he thought the matter should be placed fairly before the Imperial Government and left to them to decide. A mere expression of regret, unaccompanied by any action of the Imperial Government, would have no effect whatever, and the people of New Brunswick would say that they were quite competent to manage their own affairs. The Government had found a way to afford redress to Nova Scotia in a material way; and surely when a portion of the people of New Brunswick were affected in the most serious way, it was the duty of the Government and of Parliament to afford them relief. He quoted from the *Montreal Gazette* of the 27th inst., to show the great importance of religious education at the schools in the view of the Roman Catholics, and he appealed to the House to come to the aid of the Catholics of New Brunswick, and give them that relief which they desired, and to ask the Imperial Government to interpret the Union Act in the spirit that was no doubt intended when it was passed. Some time ago a deputation came from New Brunswick to urge the better terms for that Province. If it was established that justice had not been done he would be prepared to grant better terms, and if Parliament had power to deal with the money question, surely it was of paramount importance that it should interfere in a matter affecting religious liberty.

The members were then called in and the House divided on Mr. Chauveau's amendment, which was lost on the following vote:—Yeas, 34; nays, 125.

Mr. COLBY then moved the amendment which he had read in the earlier part of the debate, and proceeded to speak; but gave way under repeated cries of "question."

Mr. DORION said it seemed to him that the motion of the member for Stanstead meant that an injustice had been done to a large portion of the population of New Brunswick. It acknowledges injustice, and expressed its regret, but the regret was ineffectual. He quite agreed with the member for Montreal West that the Legis-

lature of New Brunswick would say that they did not care for the regret of the House. He had voted against the motion of the member for Quebec because he did not see any possibility of its securing to New Brunswick what the mover intended it to do. He maintained that the power to veto had been reserved to the Dominion Government to be exercised in such a case as this. If the Bill were disallowed it would give the majority in New Brunswick time to reconsider their action. He would vote against the amendment of the member for Stanstead, as he thought it was an empty and meaningless motion which would be regarded as impertinent by the Legislature of New Brunswick, and would be of no practical use to the minority. He would move an amendment at the proper time.

Mr. CARMICHAEL did not think that any injustice had been done, and therefore should vote against the resolution.

Hon. Mr. BLAKE had considered from time to time since the early discussion of the subject the very difficult question of the proper interpretation of the Act with reference to the state of the law existing in New Brunswick on the subject of schools, and he was quite free to confess that upon that subject his opinion had fluctuated, and any opinion he might then give would be given with much doubt and reservation. There was much to support in the argument put forth by the Minister of Justice in his Minute of Council. It was a conclusion at which the hon. gentleman might well have arrived and might possibly be a correct one; but he would point out a few circumstances in connection with the Act which would lead to a different conclusion. He quoted from the British North America and School Acts of New Brunswick and endeavored to show that, although the system of denominational schools was actually established by law, still denominational teaching in the public schools was practically acknowledged, and deeply regretted the course pursued by the Legislature of New Brunswick in inserting in the new School Act a clause providing that every school under that act shall be non-sectarian. That clause must have been inserted for a purpose and with an object. He understood that there were large sections of New Brunswick where the people were almost exclusively Roman Catholics, and the elasticity of the old law allowed these communities to conduct their schools according to their own views. The change of the law as it had operated on the Roman Catholics, was a harsh change and was not necessary to satisfy the scruples of Protes-

Mr. Connell.

tants. He explained the law in force in Ontario, and the Act passed by the Legislature of that Province since Confederation, and particularly the amendment he had caused to be made, by which Catholics were not compelled to send their children to common schools in places where separate schools did not exist. In his opinion it was in that spirit alone that the question could be successfully dealt with; but they had been asked to go a great deal further, and he felt—having been one who, upon former occasions, took an humble part in endeavoring to maintain the integrity of the constitution—bound to say a few words upon that subject. It was one thing for the Provincial or the Canadian Legislatures to pass an Act of Parliament beyond its Constitutional powers, an action deserving of the highest reprobation, but it was quite another thing for a Provincial or a general Parliament to propose an amendment in the Constitution. The character of that amendment, the rights and interests affected by it, might demand a different consideration altogether in one case from that which should govern in the other case. They had had a case before them in which, according to the opinion of many people, Parliament proceeded in a wrong direction by violating the constitution. They had had a case in which Parliament had applied to the Imperial Government for, practically, an amendment of the constitution in the enlargement of its powers. They had had the case of the Manitoba Act, when the Government had thought it right to send a despatch to the Colonial Secretary to alter the constitution, and that without the consent of the Parliament of Canada. Many cases could be pointed out in which the feelings of this complex Confederation could be fitly expressed in reference to a change in the construction by addresses from both Houses of Parliament; but the rights and interests of the Provinces would not be worth the paper on which the constitution was written if it could be said that all rights could, as a matter of course, be altered or changed on addresses alone. The Imperial Government would never take away the rights of the Provincial Legislature at the instance of the Dominion Parliament alone, and no more dangerous error could be fallen into. The proper mode would be not to ask Her Majesty's Government to take action, but to ask the Local Governments to take action.

Hon. Mr. CHAUVEAU said his intention was to ask not for an amendment but an explanation to the Union Act.

Hon. Mr. BLAKE said that would be a very dangerous course and might lead to evil, as it would be very difficult to decide

where to draw the line. He desired to give a practical suggestion as to what should be done. If any constitutional right were infringed Parliament had power under the 4th clause of the British North America Act to interfere, and he quoted the provision giving Parliament the right to make remedial laws when necessary; and this, he maintained could be done though the twelve months had elapsed. He suggested that the proper course would be to obtain the opinion of the Law Officers of the Crown in England as to the right of the New Brunswick Legislature to make the alteration in the School Law which they had done, and if it was found that such legislation in every part of it was not in accordance with the constitution, then this Parliament might pass a remedial Act to do justice to those who had been injured. This view might be proposed as an amendment by his colleague, the hon. member for Lambton, at a later stage.

Hon. Col. GRAY said if the argument of the member for West Durham was correct the law passed by the New Brunswick Legislature was unconstitutional and could be set aside by the Courts. No question had yet arisen before the Supreme Court. He did not like any application to the English Law Officers as they ought to be able to decide such questions themselves.

Mr. WALLACE (Albert, N. B.) thought Parliament had no right to deal with the matter, as it rested entirely with the Local Legislature. The motion of the member for Victoria was most mischievous, as all security was gone if it was decided that Parliament might override the action of Local Legislatures. He believed the law was fair and just to all. He thought the amendment of the member for St. John must commend itself to the whole House, and he hoped it would be supported. He was glad the amendment of the member for Quebec had been voted down, as no greater insult could be offered to the people of New Brunswick. He should vote for the amendment of the member for Stanstead as a compromise of the matter.

The members were called in, and the division on Mr. Colby's amendment was taken and resulted as follows:—Yeas, 117; nays, 42.

The amendment was declared carried.

Hon. Mr. DORION said the motion implied a condemnation of the action of the New Brunswick Legislature, and he hoped that it would be amended. He did not think the House had a right to express that condemnation, and he desired to add

a few words to the motion which would give relief to the Catholics of New Brunswick. The motion was merely to gloss over the difficulty by which the Government were menaced in a direct vote on the motion of the member for Victoria. To bring the matter as near as possible back to its original position, he moved that the following words be added to the motion—"And this House further regrets that, to allay well grounded discontent, His Excellency the Governor General has not been advised to disallow the School Act of 1871, passed by the Legislature of New Brunswick."

Hon. Sir JOHN A. MACDONALD said he was much obliged to the hon. gentleman for the straightforward manner in which he had put the vote of want of confidence, and they would receive it as such.

Mr. ANGLIN hoped that every hon. member would know that he was choosing between justice to an oppressed minority and the convenience of the hon. gentleman opposite.

Hon. Sir GEORGE CARTIER addressed the House in French to the effect that the amendment was a simple vote of want of confidence.

Mr. COSTIGAN said he had no intention of attacking the Government in his original motion; but they had done their best to defeat his object, and he only regretted that he must vote a want of confidence; but he must regret that the act had not been disallowed, and must so vote.

Hon. Mr. BLAKE asked whether the Government had any objection to the amendment of which he had given notice.

Hon. Sir JOHN A. MACDONALD said they had no objection at all to their division being subject to the revision of the law officers of the Crown.

The members were called in, and Mr. Dorion's amendment was lost on the following division:—yeas, 38, nays, 117.

Hon. Mr. MACKENZIE was not satisfied that the new school act had dealt fairly with the Catholics of New Brunswick, or that the Government would have been justified in disallowing the act. The greatest care should be taken in interfering with local legislation, and especially in dealing with religious questions. He believed the secular system was best adapted to promote education throughout the country. There seemed room for doubt in the matter of legislation in New Brunswick, and he therefore moved that the following words be added to the motion before the House: "That this House deems it expedient that the opinion of the law officers of the Crown in England, and

if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the School law as to deprive the Roman Catholics of the privileges they enjoyed at the time of the Union in respect to religious education in the common schools, with a view of ascertaining whether the case comes within the terms of the fourth subsection of the ninety-third clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act."

Mr. ANGLIN said if this were accepted it would be but fair, as the Minister of Justice held strong opinions on the subject, and might give a coloring to the case to be presented to the law officers of the Crown, that the hon. member for West Durham should be consulted in the preparation of the case. (Cries of "oh," "oh.")

Mr. SMITH (Westmoreland) thought if anybody was to be consulted it should be the Government of New Brunswick. (Hear, hear.) It would be better, however to leave the matter in the hands of the Minister of Justice.

Hon. Sir JOHN MACDONALD thought that the suggestion of the hon. member for Gloucester would hardly be concurred in by the hon. member for West Durham. It was for the interest of all parties that the proper construction of the law should be known, and the reference to the law officers of the Crown would settle that. He took it that the case to be presented to those officers should be settled satisfactory to the Government of New Brunswick, and also to those who, like the hon. member for Gloucester, were attacking the constitutionality of the school act. That could be easily arranged by those who had petitioned against the Act selecting some person in whom they had confidence in New Brunswick to settle their view of the case. (Hear, hear.)

Hon. Mr. WOOD said that all that was wanted was a record of the Acts passed in New Brunswick upon the school question, with the provisions of the British North America Act respecting education. There should, he supposed, be counsel on either side; and whatever cases were prepared for them would be for the purpose of argument.

Hon. Mr. BLAKE said the object would be fully accomplished by the Catholics of New Brunswick selecting some person in whom they had confidence, to prepare

Hon. Mr. Dorion.

their case. (Hear, hear.) The motion was then adopted.

ADJOURNMENT.

Hon. Sir JOHN MACDONALD moved that when the House adjourn it adjourn till Friday.

Hon. Mr. MACKENZIE asked whether the estimates would be proceeded with on Friday.

Hon. Sir JOHN MACDONALD replied that on that day he would introduce the Bill relating to representation, and afterwards the Pacific Railway Bill would be taken up.

Hon. Mr. MACKENZIE asked whether the Representation Bill was printed.

Hon. Sir JOHN MACDONALD said it was printed in English but not in French.

Hon. Mr. HOLTON gave notice that before going into Committee of Supply he would take the pleasure of the House on the propriety of the payment to Judge Johnson of a double salary during the time he had been engaged in the North-West.

The House adjourned at 12:30 till Friday.

SENATE.

FRIDAY, 31st May, 1872.

The SPEAKER took the chair at 3 o'clock.

Two Reports of the Committee of Contingent Accounts were submitted by Hon. Mr. SEYMOUR, and ordered for consideration on Monday next.

The following bills were read a third time and passed:—Bank of St. John, Grand Trunk Railway and Montreal and Champlain Companies, Toronto Savings Bank, Quebec Frontier Railway Company.

INSOLVENCY LAWS.

Hon. Mr. WARK moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause an inquiry to be made, under the direction of the Minister of Justice, into the operation of the Insolvent Law, with the view of embodying such amendments as may be deemed necessary, in a bill to be submitted to Parliament at its next session.

In making the motion the hon. gentleman urged the necessity of making an amendment in the existing law. Whilst many persons objected to repealing it altogether, no one contended that it was

not susceptible of improvement in many respects. The necessities of the country required the equitable distribution of a debtor's property among his creditors, and that the honest insolvent should be protected from the rapacity of any hard creditor.

Hon. Mr. McMASTER seconded the motion as necessary in the interests of the country.

Hon. Mr. DEVER rose to say that he hoped, notwithstanding the very able and plausible speeches made on this subject, a few days ago, a house composed as this was, of gentlemen of long experience in commercial and legal matters would give the motion of the hon. gentlemen before them that wise and thoughtful consideration to which he thought it was entitled. The British North American Act gave us the power, and the right to have an Insolvency Law for the benefit of all Canada. And here he would say that the present law is both an Insolvency Law and a Bankruptcy Law, or in other words an Attachment Law and an Insolvency Law, as under the compulsory clauses of the Act a debtor not meeting his liabilities generally as they become due, or showing signs against his creditors of fraudulent intentions can be called on for a statement of his affairs, and if not found satisfactory to his creditors, a securing of his assets by an attachment can be had at once. And this is why the several Boards of Trade, who are good judges of commercial questions, are so desirous that the Act should be continued, feeling as they do, that it is a much safer law for general trade, than a mere Insolvency Law, which would only protect, or in the mild language of the day, *relieve* the debtor. He would not say why it is a good and fair law such as this is, and passed only some three years ago, as a general law, for the several Provinces of this Dominion is now sought to be repealed by one of those spasmodic changes of thought—in a number of gentlemen—in the other branch of this Legislature who take it upon themselves to get up an excitement against it, and say it should be repealed even before it is quite time the parties most to be injured had a fair chance of becoming familiar with the benefits arising out of it to business men. And here again he would call the attention of this House to the fact that the United States had passed a similar law in March, 1867. It is entitled, "An Act to establish a uniform system of bankruptcy throughout the United States." This Act is now in force; it is so well adapted, and pro-

vides so carefully, that fraud shall be prevented and justice done in all cases, and so generally useful that it is more than probable that it will be permanent, and, without being repealed, will be amended from time to time, as experience shows the need. It had an amendment passed to it, in 1869, which prevents a debtor from getting discharged unless his assets shall pay fifty per cent of the claims proved against his estate upon which he shall be liable, as the principal debtor, unless the assent in writing of a majority in number and value of his creditors be filed in the case at, or before the time of the hearing of the application for discharge. He would say it was suspicious to see gentlemen who helped to pass our law, in 1869, as a Dominion Law, seek now to get it repealed of their own motion, since he was not aware that even one petition from the parties who had the best right to be judges on such commercial questions had not asked for its repeal; but on the contrary nearly all the great centres of business, through their respective Boards of Trade had asked that it may not be repealed, but that it may be continued, and amended if necessary. He would ask then that this motion may be well considered by this House, and the Government, so that the country will not fall back—by allowing this Law to expire—to that state of affairs which prevailed in the Lower Provinces before the passing of this uniform Law, which so enables the commercial men of the several Provinces of this Dominion to understand each other. Further he would say, on the basis of our commercial credit, he would ask that the motion be complied with, and the Law continued, and thereby confidence given to men of means to advance their capital, and give that credit so essential for commercial activity. In answer to the arguments of some hon. gentlemen, it was only necessary for him to say that under the several clauses of this law, it was utterly impossible for the dishonest debtor to act as described, and as he could under the system of execution, because no unequal or preferential making of the assets—where commercial men know their business—can be sustained, but every creditor must share and share alike. In conclusion then, he would support the motion of the hon. mover, and hoped every gentleman who loved fair play would act similarly, so as to keep a law continuing, that is now a Dominion law, in contrast with the confusion the country will be in if this Act be allowed to expire, and which to him would be going backward instead of forward—making again the laws of the

Hon. Mr. Deever.

several provinces of this Dominion dissimilar instead of national and uniform.

Hon. Mr. CAMPBELL replied that under any circumstances the Government intended taking the question of the Insolvency Laws into their consideration during the vacation, and would therefore willingly agree to the Address.

The motion was carried.

Bills on the following subjects were read a second time:

St. Catharine's Board of Trade, River Sydenham.

Hon. Mr. CAMPBELL introduced a bill to amend the act respecting copyrights.

The House adjourned.

HOUSE OF COMMONS.

OTTAWA, May 31, 1872.

The SPEAKER took the chair at 3.15 p. m.

JUDICIAL SALARIES.

After routine,

Hon. Sir JOHN MACDONALD moved that the House go into Committee of the Whole to-morrow, to consider a resolution to amend and extend the schedule to the Act 31, Vic. 33, and make provision for the salaries of judges and stipendiary magistrates in the Provinces of Quebec, Nova Scotia, Manitoba, British Columbia, &c. He said that it was his intention, in accordance with an Act passed by the New Brunswick Legislature, to make provision for the appointment of an additional puisne Judge in that Province, the Court consisting now of only a Chief Justice and one Judge.

The motion was carried.

HUDSON BAY CO.

Hon. Sir F. HINCKS moved that the House go into Committee of the Whole to-morrow to consider the following resolution:—"That it is expedient so to amend the Act respecting the loan for paying a certain sum to the Hudson Bay Company, 34 Vic, cap. 3, as to provide that the interest at five per cent. per annum on any sum issued out of the Consolidated Fund of the United Kingdom, under the Imperial Act, respecting the said loan, shall rank equally with the principal sum as a charge upon the Consolidated Revenue Fund of Canada, and that the investment and accumulation of the actual sums remitted for the Sinking Fund of the said loan shall be under the direction of the Treasury of the United Kingdom.

The motion was adopted.

THE REPRESENTATION BILL.

Hon. Sir JOHN MACDONALD stated that he would introduce the bill respecting Representation in the House of Commons to-morrow afternoon.

MARKING OF MERCHANDIZE.

On the motion of Hon. Sir JOHN MACDONALD, the bill relating to the fraudulent marking of merchandize was read a third time and passed.

THE CANADA PACIFIC RAILWAY.

Upon the next order being called, for concurrence on the amendments made in committee to the bill respecting the Canada Pacific Railway,

Hon. Sir GEORGE CARTIER said the Government had agreed to act upon the suggestion that had been made on the other side with regard to the frontage of the land grants and reservations along the line of the Railway; and also in regard to the deposit of ten per cent to be required from the company undertaking the work. It was proposed to amend the second section by providing that the deposit shall be placed in the hands of the Receiver General before any agreement is concluded between the Government and the company, and shall remain in his hands until otherwise ordered by Parliament. The object of this amendment was to give the Government power, at the end of four or five years, when the railway had so far advanced as to make its completion certain at an early day, to come before Parliament and ask leave to release the million deposit and pay it back to the company constructing the road. The money would be retained, however, until Parliament released it in favor of the company.

Mr. GIBBS asked why should not the words "ten per cent." in this clause be changed to \$1,000,000, for the company with which the Government made an agreement might have a capital of more than ten millions in which case the deposit would be more than one million.

Hon. Sir GEO. CARTIER said the company, before the Government entered into an agreement with it, must have a capital of \$10,000,000 at least, and it would be upon that basis that the agreement would be made, but there was nothing to prevent the company afterwards increasing its capital if it saw fit.

Mr. GIBBS asked if the Government would pay interest upon the deposit of \$1,000,000 during the time it remained on the hands of the Receiver General.

Hon. Sir GEORGE CARTIER—No, the Government would spend more than that

amount upon the surveys and other preliminary operations, the payment for which would have to be made by the company, so that it was better to say nothing at all about interest. (Laughter.) Then he proposed to amend the third section by adding this proviso after the words "Dominion lands," provided that so far as it may be practicable none of such alternate blocks of lands afore-said shall be less than six miles, nor more than twelve miles in front on the railway, and the blocks shall be so laid out that each block granted to the company on the side of the railway shall be opposite another block of like width reserved for the Government on the other side of the railway." The reason this amendment was proposed that in laying out the land the Government intended to adopt a rule of making each township with a frontage of six miles on the railway, as a block twenty miles square would be too large for one township, in such a great length of railway. It might be well, however, to have blocks of a greater frontage than six miles and accordingly power was given to make them twelve miles in frontage or two townships.

Mr. CARTWRIGHT asked whether the rights of the Hudson Bay Company, as to the lands reserved for it by the Act transferring the North West territory, would be affected.

Hon. Sir GEORGE CARTIER said that no right of the company would be affected by the bill.

Mr. MILLS asked whether the rectangular system of surveys that had been adopted in Manitoba would be applied to these townships, and if so whether the base line would follow the line of the railway, for if not the railway might go diagonally across the lots and a greater frontage than six miles would therefore be required.

Hon. Sir GEORGE CARTIER said the general policy would be to adopt the rectangular system of survey as far as possible, but it was not to be expected that the matter of detail would be rigidly settled at the outset. That would be the general plan of the survey, but occasions might arise when there would be departures from it.

Hon. Mr. MACKENZIE said that as the depth of land granted was twenty miles there would be two miles left after deducting three townships of six miles each. What was to be done with those two miles?

Hon. Sir GEORGE CARTIER said the Government had thought of that. The Company would have to adopt the same system of survey as the Government, and that would leave strips of two miles at the rear of the blocks. They would have to

form goes the same as was the case in many parts of Ontario. Another amendment he intended to propose was to add to the same clause, the 3rd, the following words, "and fresh additional lands granted to the company, and reserved by the Government, shall be laid out in alternate blocks on each side of a common front line, in like manner as the blocks granted and reserved along the line of railway." This referred to the lands which might be granted to the company elsewhere than on the line of railway. Then he proposed to amend the 15th clause by proposing that the ten per cent should remain in the hands of the Receiver General "until otherwise ordered by Parliament." He then moved that the report be not concurred in, but referred back to Committee of the Whole, with instructions to make these amendments.

Mr. GIBBS said that a deposit might be made by a company with which an agreement would be made by the Government. In that case, surely it was not intended to retain the deposit without paying interest upon it until the authority of Parliament was obtained to return it.

Hon. Mr. BLAKE said the objection was unanswerable. There must be provision for the return of the money immediately, in case no agreement should be made with the company by the Government.

Mr. WALLACE (Vancouver's Island) suggested that Government securities might be received and repaid instead of money.

Hon. Mr. ABBOTT said that two or even more companies might each make a deposit of a million, and yet an agreement might be made with only one. The Government should take power, therefore, to pay back the money if no agreement was entered into.

Hon. Sir GEORGE CARTIER said the Government would have no power under the bill to retain more than the one million of the company with which an agreement would be made.

Hon. Mr. ABBOTT proposed to add a few lines to the clauses, providing that if after placing the deposit in the hands of the Receiver General the company should not enter into an agreement with the Government, the Governor in Council would have power to return such sum.

Hon. Sir GEORGE CARTIER said he had no objection to this being done.

The motion was then carried, and the House again went into Committee on the bill, Mr. Cartwright in the chair.

Mr. MILLS objected that if the townships were made only six miles square, it would prevent the introduction of the Canadian municipal system, and compel a

resort to the American agency system, which he considered much inferior to the representative system of this country:

Hon. Sir GEORGE CARTIER said the Government had adopted the plan of six mile townships advisedly. Emigrants coming from Europe were acquainted, even before they arrived, with the American system and understood that they could procure quarter sections of 160 acres each. It would be an advantage, therefore, if the Canadian agents could tell them that, while the soil was as good which could be offered to them in the North-west, the size of the lots they would receive would be the same as in the United States. The plan was the same as had been adopted in Manitoba, and he did not think it would be well for the House to alter it.

Mr. AMOS WRIGHT thought the principle of laying out alternate townships along the line of the railway was wrong. The American plan was to take alternate sections of 160 acres, and that he thought was calculated better to encourage settlement and promote the occupation of the country. He was sorry that the Government had departed from that rule.

Hon. Sir GEORGE CARTIER said the Government had considered that point and felt that it was not desirable to adopt the plan of laying out the land in alternate blocks of one hundred and sixty acres, for in that case the Government would have had to assume all the expense and trouble of making the survey in detail upon all the lands instead of the company.

Mr. MILLS insisted that townships thirty-six miles square would be so small that it would be too costly to introduce representative municipal institutions, and the people would thus be forced to adopt the American plan of agencies, which he considered very objectionable. He did not see why townships of sixty-four square miles, instead of thirty-six, should not be adopted, nor did he see that a large township would have any effect in decreasing emigration. The first and second amendments were then agreed to.

Upon the question being put on the amendment to the 15th clause.

Mr. GIBBS asked whether the Government would not accept the suggestion of the hon. member for Vancouver Island and receive the deposit in Government securities of money, if the company wished to make it in that form. It might be that the company would sell the securities to raise money, and then if an agreement was not made with the Government, it would have to re-purchase the securities.

Hon. Sir G. E. Cartier.

and perhaps suffer serious loss in the transaction.

Hon. Sir GEORGE CARTIER agreed to the proposal, and the words "or Government securities," were added.

The Committee then rose and reported the amendments.

Hon. Mr. MACKENZIE said he had several amendments to move, but he did not wish to proceed in such a thin House. He thought the subject should be allowed to stand over till after the recess for dinner.

Hon. Sir GEORGE CARTIER said he had no objections, and would defer moving concurrence in the report till after half-past seven.

SAVINGS BANKS.

Hon. Sir FRANCIS HINCKS moved concurrence in the amendments made by the Senate in the bill to amend the Savings Bank Act.—Carried.

SUPPLY:

Hon. Sir FRANCIS HINCKS moved concurrence in the items of the estimates previously adopted in Committee of Supply.—Carried.

SHIPPING OFFICE.

Hon. Dr. TUPPER moved the House into Committee to consider the resolution declaring it expedient to provide for the appointment of a shipping office for seamen at Leach Port, in Nova Scotia, at which there is a custom house—Mr. Mills in the chair.

The resolution was adopted, and read a first and second time; and a bill was introduced founded thereon, and read a first time.

HALIFAX HARBOUR.

Hon. Dr. TUPPER moved the House into Committee to consider the resolution declaring it expedient to provide for the appointment of a Harbour Master for the port of Halifax—Mr. Mills in the chair.

The resolution was adopted, and a bill founded thereon was introduced and read a first time.

EMIGRATION.

Hon. Mr. POPE moved the second reading of the bill to provide for the incorporation of the Emigration Aid Society.—Carried.

QUARANTINE.

Hon. Mr. POPE moved the second reading of the Act relating to quarantine.—Carried.

The SPEAKER left the chair at 5.20' the House agreeing to consider it 6 o'clock'

AFTER RECESS.

TORONTO CORN EXCHANGE.

Mr. GIBBS, in the absence of Mr. BEATY, moved the second reading of the bill to incorporate the Toronto Corn Exchange Association.—Carried.

The House went into committee on the bill, rose and reported. Third reading to-morrow.

AGRICULTURAL INSURANCE COMPANY.

Mr. COLBY moved the second reading of the bill to incorporate the Agricultural Insurance Company of Canada.—Carried.

The House went into committee on the bill, rose and reported, and the bill was read a third time and passed.

ACCIDENT INSURANCE COMPANY.

Mr. CARTER moved the second reading of the bill to incorporate the Accident Insurance Company of Canada.—Carried.

The House went into committee on the bill, rose and reported, and the bill was read a third time and passed.

BILLS ADVANCED.

Mr. BARTHE moved the second reading of the bill to incorporate the Sorel Board of Trade.—Carried.

The House went into Committee, rose and reported, and the bill was read a third time.

Hon. Mr. LANGEVIN moved the second reading of the bill to incorporate the Board of Trade of the Town of Levis.—Carried.

The House went into Committee, rose and reported, and the bill was read a third time and passed.

Mr. GIBSON moved the second reading of the bill to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada.—Carried.

The House went into Committee on the bill.

Mr. MILLS said the House would exceed its power in passing this act. He could not understand upon what ground they could give the power to hold real estate. They were not carrying out the principle of a federal union and were depriving the Local Legislatures of those powers which were necessary to give them that influence which every government should possess in order to produce the necessary prestige for the conduct of the affairs of the country.

Hon. Mr. WOOD said the question was, could they take property otherwise than in conformity with the civil law of the several Provinces. He maintained that a company incorporated in the Province of Quebec could do business in any other Province of the Dominion, and that it was entirely a wrong impression to suppose that more power was obtained by procuring a charter from the Dominion. He thought that the Minister of Justice should form an amendment to the third clause limiting the acquisition of property.

Hon. Sir JOHN MACDONALD replied that it would not be well at that moment to discuss so difficult a question as that opened by the member for Bothwell. The principle of the bill having been established that there might be a missionary society incorporated, having its missionary operations in all parts of the country, they must come to the conclusion that it was necessary. In order to hold real estate the corporation must have a Dominion existence. A missionary society incorporated for Provisional purposes, could not hold real estate in any other Province than in that Province from which it obtained its incorporation. The argument drawn by his hon. friend opposite from the fact that foreign corporations were acknowledged by the International Congress, did not come in there. No decisions went so far as to show that that foreign corporations could hold real estate in England, and therefore this corporation, holding property in the Dominion, must get power somewhere. It might be that this Parliament could incorporate this Missionary Society throughout the Dominion, and the Local Legislatures giving it powers to hold real estate. Before Confederation each Province could have passed this Act. When the British North American Act was passed, it was designed that the Dominion Parliament should have all the powers possessed by the different Provincial Legislatures before the Union. The member for Bothwell had drawn a comparison between the constitution of the United States and that of Canada. The constitution of the former is this: Every State has its own sovereign jurisdiction, with the exception of those special powers reserved to Congress. If there was any power not specially and expressly given to the United States by the Constitution, it belonged to the different States. Our Constitution is just the reverse. All rights incidental to sovereignty belong to the Dominion Parliament, except those powers which we cannot exercise so long as we are dependent upon Great Britain. This Parliament can do

whatever is necessary for the peace and welfare of the Dominion of Canada. Holding those views, it would be unwise to limit the clauses of the Act under discussion. Until decided by the proper tribunals, such questions would arise continually, and the House must allow these charters to be asked for and granted. The applicants must be aware that they are taking them subject to the decision of the Courts. The question was surrounded with difficulty. It was a matter of congratulation that they got on so many years with so little difficulty. Until the courts had given their decision each case must rest on its merits.

After some remarks from Mr. Mills, in which he differed from the views of the Minister of Justice as to the Constitution of the United States, the Committee rose and asked leave to sit again.

CANADA PACIFIC RAILWAY.

Hon. Sir GEORGE E. CARTIER moved concurrence in the report of committee of the Whole on the Pacific Railway Bill.

Hon. Mr. BLAKE—As he had intimated the other evening, he desired to take the sense of the House as to the route the railway should take from the south of Lake Nipissing. Hon. gentlemen opposite had stated that they had not sufficient information before them to enable them to determine which route should be adopted. He had thought that that was an argument in favour of postponing the matter, but he now intended to move, as a way of meeting the difficulty that the Railway should pass, if practicable, by the south and west of Lake Nipissing: The information before the House pointed to an intention of taking the road by the east and north. It was the route the Chief Engineer had laid down in the first instance, without having made a survey in the other direction at all. Under these circumstances, and believing as he did, that the Province of Ontario would suffer materially unless every exertion was made to bring the road by the south and west, he would move an amendment to the first clause to the effect "that the railway be constructed by the south and west of Lake Nipissing, if found to be practicable."

Hon. Mr. HOLTON asked whether the hon. member for West Durham was prepared to make any statement as to the distance of the route which he advised. It might be thought that route would be the nearest to Lake Ontario, but the question was whether it was the shortest route.

Hon. Mr. BLAKE was not prepared to give an opinion on it, but from what he had

Hon. Mr. Wood.

gathered during the discussion of the question, he did not think that the road would be appreciably lengthened by adopting the western route.

Hon. Sir GEO. E. CARTIER said that the proposition of the hon. member was met by the reply that they did not know enough at present to bind themselves that the Railway should pass between Lake Nipissing and the Georgian Bay, because it was the short and long of the proposition of the hon. member that it should pass that way. In stating on the measure that the terminus should be on the south shore he thought that the Government had done enough. If it was found to be more advantageous to the Dominion that the line should run by the north east, that route would be adopted. But the hon. member would like that the north should not have any chance at all for that reason; and in the absence of information that it was impossible to pass between Lake Nipissing and the Georgian Bay, he thought it would be wrong in this House to say which route should be adopted. The hon. member for Ottawa had expressed fears that the north shore would not have a chance; but he (Sir G. Cartier) would say that the north would have a chance if it was found to be the best route to the south shore of Lake Nipissing.

The amendment was then put and lost. Yeas, 51; nays, 91.

Dr. GRANT said he had mistaken the nature of the amendment of the hon. member for West Durham and desired to change his vote.

The SPEAKER said that the hon. gentleman could not do so now, but could move to-morrow to amend the journals.

Hon. Mr. DORION thought the question of the terminus ought to be determined in the interest of the whole Dominion. It should be selected so as to make it the cheapest route across the country, and in his opinion an eastern terminus should be selected. He therefore moved that the Bill be amended for the purpose of providing "that the eastern terminus of the Pacific Railway shall be at some point west of the Ottawa River, as shall be found to afford the shortest practicable route from the Pacific ocean to such eastern terminus, and not as provided by the Bill at some point south of Lake Nipissing."

A MEMBER—It might be to the west of Lake Nipissing.

Hon. Mr. DORION—Certainly, if it were found to be the shortest route.

Sir A. T. GALT would have preferred, in the absence of definite information, to have left the matter in the hands of the Government. The proposition to make

the terminus at some point west of the Ottawa River, considering the extent of that river, was very indefinite.

Hon. Mr. McDOUGALL said that there was no doubt that it was important that the Pacific Railway should connect with our railway system by the shortest possible route; but that at the same time it should not be the only consideration, as it was of paramount importance that the settled portions of the country should be considered, so as to afford accommodation to the population. He had regretted that the member for West Durham should have made his motion after the explanation made by the Government, as it might be inferred that the House voted against the western route. But should the motion of the hon. member for Hochelaga be voted down, which favored the northern route, it would be apparent that the Government and the House were desirous of selecting the route best suited to the interests of the Dominion generally. (Hear, hear.)

The amendment was then put to a vote and lost—yeas, 15; nays, 125.

Hon. Mr. MACKENZIE having condemned the large powers granted by the Bill to the Government, moved, seconded by Mr. Holton, "that the bill be committed, with instructions to amend such sections as gave to the Governor in Council the power to grant to a railway company a charter possessing the authority and validity of an Act of the Legislature, and also such sections as confer upon the Governor in Council authority to change the Act of Parliament by expunging therefrom all such provisions as the granting of such powers to the Executive as would be an abrogation by Parliament of its proper functions, and involve the introduction into our political system of a principle at variance with Parliamentary Government."

Hon. Sir GEORGE CARTIER hoped that the House would not be carried by the bugbear of invasion of Parliamentary rights by that "great institution," the Governor-in-Council. The Governor-in-Council was a "great institution" in their hands, because it had been always wisely, prudently, and economically administered.

Hon. Mr. HOLTON having made some remarks about the way in which Mr. Reekie and his friends had been ruled out in the Railway Committee,

Hon. Sir A. T. GALT said that he could not see the force of the argument of the member for Chatauguay. It was simply that certain gentlemen did not give a proper notice. The petition here came be-

fore the House and had not been pronounced on, and if the gentlemen in question should prove to be the most competent to carry on the work, he thought it would be contrary to the public interest that they should be shut out altogether. Most unquestionably the principle of the measure should commend itself to the House. If it were rejected the effect would be that one or two companies who had given proper notice would be the only ones with which the Government could deal. The Government ought to have their hands unfettered, and he concurred with the argument of the Minister of Militia that the power sought was no abrogation of the right of Parliament. The question might be larger but the principle was the same as in charters to manufacturing companies. He contended that any charter would be subject to the present Act, and as to interference with private rights, he believed that the amendments which had been made and assented to by the Government were almost, without exception, in the direction of creating difficulties in the way of carrying out the undertaking. He believed the time allowed for the construction was too short, but Parliament had decided the matter, and the Government ought to carry out the work in the best way possible. In his judgment the work could not be done in the time specified unless great powers were given to the Government, for the exercise of which powers they would of course be held to a strict account. He would vote against the present amendment, or any other which would tend to restrain free action of the Government, without which he did not believe the work could be carried out.

Hon. Mr. WOOD agreed with the remarks of the hon. member for Sherbrooke.

Hon. Sir JOHN MACDONALD said the objection taken to the Government measure by the hon. member for Sherbrooke and the hon. member for Brant were in quite a contrary direction to those taken by the mover of the amendment. The member for Lambton objected altogether to the measure because it granted the Governor-in-Council too much power. The hon. member for Sherbrooke said that it did not grant power enough, that the Government had introduced restrictions in their measure which would interfere with the progression of the work. He confessed that there was a great deal in what the hon. member for Sherbrooke had said. He thought, as Parliament had left to the Government the power of selecting the Company who were to build the road, it would have been as well if they had left

them to make such arrangements as would ensure the construction of the road as early as possible. But the Government had yielded to Parliament on that point, from the desire that it should not be supposed that the Government were asking more power than Parliament was willing to give them. He did not think, however, that the objection would be fatal to the success of the enterprise. He took it that the Company would be composed of men that the Government of the day believed to be solvent, honourable men, who would undertake the work with *bona fide* means to commence and complete it. He did not consider that any usurpation or claim of unusual powers had been made. In the first place, Parliament had decided to build the railway. Where it should begin and where end, how much assistance in money and lands, and all that, was left to the Government to decide, and it was a matter of necessity, as the hon. member for Sherbrooke had shown, to select the men to carry out the work without delay. The terms were there, and all the Government asked was simply to have the selection of the company. The reason they asked for this power was in order that the pledge given to British Columbia might be carried out.

Hon. Mr. MACKENZIE thought that undue haste in this matter had given rise to this kind of legislation and he was a little surprised that the Minister of Justice had endeavored to defend it. Having made some further remarks,

Mr. FERGUSON said he thought the House would see clearly that the arguments of the hon. gentleman who had just taken his seat were entirely based upon supposition. He believed that it was the hearty desire of the Government to deal fairly and honestly with the two companies offering to build the railway, and it was only just that the Government should have the power to take the contract out of their hands if they did not comply with its provisions. He would prefer leaving it in the hands of the Government to settle the matter rather than to the decision of the House. They had had sufficient evidence in Ontario to prove that bringing such a matter before Parliament was nothing but a mockery.

Mr. THOMPSON (B. C.) was present some three months ago when the Legislature of Ontario voted two million dollars to railways, and could endorse the statement of the hon. gentleman who had just sat down that the process was a farce. The matter was brought down shortly before prorogation and pushed through without time being given for consideration. He

Hon. Sir A. T. Galt.

thought it much safer to leave the money in the hands of the Government. He hoped the House would look upon the construction of the road as a national necessity, and push it forward to completion without delay. A good deal had been said about the grades of the Canadian Pacific, and he could state that the elevation of the Leather Head Pass was 3,760 feet, that of the Union Pacific Railway 8,260, and that of the Central Pacific 7,042 feet, the grades of the Central Pacific being as much as 66½ feet to the mile in places. He would vote against the amendment of the member for Lambton.

Hon. Mr. Mackenzie's amendment was then lost on division—Yeas, 52; nays, 98.

Hon. Mr. MACKENZIE then moved in amendment "that the report be not received, but referred back to Committee of the Whole, with instructions that actual settlers may enter upon any unsold or unoccupied lands, either in the possession of the Company or the Government, on the terms and conditions to be arranged by Parliament, and further to provide that nothing shall be made to prevent the setting apart of the alternate blocks of land retained by the Government for free grants to actual settlers."

Hon. Sir JOHN MACDONALD understood that the hon. gentleman opposite had opposed the measure upon the ground that it was an undertaking far beyond their means, and he had evidently resolved to prove his words by depriving Canada of every possible source of assistance towards building the road. In the first place the line had to be built, and in the second place they were endeavoring to build it by a comparatively moderate grant of money, quite within the resources of the country, if they could supplement that money grant by a grant of land. The amendment struck at the most vital portion of the scheme, and destroyed every possibility of making arrangements with any company.

Hon. Mr. Young, Hon. Mr. Mackenzie, Hon. Sir A. T. Galt and Hon. Sir George E. Cartier having spoken, a vote was taken as follows:—Yeas, 38; nays, 102.

After some objection by Hon. Mr. Wood, which was ridiculed by Hon. Mr. Holton, the House adjourned at 2:15.

—
OTTAWA, Saturday, June 1, 1872.

House opened at 1:40, having been sitting with closed doors.

MISTAKE IN VOTING.

Dr. GRANT called attention to the vote

given by him in error last night on Mr. Blake's amendment to the Pacific Railway Bill, and, with the permission of the House, desired to have that vote changed.

Hon. Mr. BLAKE thought the proper course was to have an entry made on the Journals that such an application had been made. That course had been adopted on a previous occasion.

Hon. Sir JOHN MACDONALD thought this was the proper course, in which Mr. Speaker concurred.

THE REPRESENTATION BILL.

Hon. Sir JOHN MACDONALD then introduced the bill to re-adjust the representation and said: I rise to introduce the bill to re-adjust the representation at the House of Commons pursuant to the provisions of the British North America Act, and in consequence of the results of the census taken in 1871. As it is known, the Union Act provides that there shall be a re-adjustment of the representation in this House on the completion of every decennial census, according to a scale therein fixed. Thus, supposing Lower Canada should, with its population, have sixty-five members, then a proportionate increase or decrease is to be meted out to the other Provinces, according to the plan and scale laid down in that Act. Under the census, as taken, it appears that Ontario, if Quebec keeps, as is contemplated, its original number of sixty-five members, will have a right to an addition of six members; Nova Scotia of two, and New Brunswick of one, the Provinces of Manitoba and British Columbia remaining as fixed by the arrangements made at the time of their coming into the Union until the next decennial census of 1881. The Union Act provides that there is to be a re-adjustment of the representation on the completion of each decennial census. The House will therefore for the next ten years be composed of two hundred members—eighty-eight from Ontario, sixty-five from Quebec, twenty-one from Nova Scotia, fifteen from New Brunswick, four from Manitoba, and six from British Columbia. In determining the mode of distributing the new seats, the Government took into consideration the principles which have guided the establishment of the elective system in the Provinces ever since they have been Provinces; and it will be found that, in them all, while the principle of population was considered to a very great extent, other considerations were also held to have weight; so that different interests, classes and localities should be fairly represented, that the principle of numbers should not be the only one. This was established in

1791 with respect to the Provinces of Upper and Lower Canada, where there were certain proportions of rural constituencies established, and a certain number of counties, so that the agricultural population might be represented and also the manufacturing and commercial and town populations. In 1841 when the Provinces of Upper and Lower Canada were re-united, the same principle was carried out, and on the increase of members to 130, which took place during the time that the Provinces were united, each Province having sixty-five members, Ontario was provided with fifty-six representatives of Counties and Ridings, and nine representatives of Cities and Boroughs. In 1867, when the number of representatives in the House of Commons was increased from sixty-five to eighty-two, the increase was given altogether to the rural constituencies. It is proposed in the present readjustment to pay regard in the distribution to manufacturing as well as agricultural interests, and therefore of those which will be added to Ontario it is proposed to divide them equally, three to agricultural constituencies and three to city constituencies. It is proposed to give Toronto three members instead of two, and Hamilton and Ottawa each one additional. Toronto has a population of 56,092; so that, on every principle of population, considering as well its great increase in manufacturing and commercial interests, Toronto has in every way a claim to increased representation. Hamilton also is a large and rising city, and is more peculiarly, perhaps, even than Toronto, the seat of the manufacturing interests in the west. The population of Hamilton is 26,716, which would give 13,358 for each member, being more than the average of counties in Western Canada. Ottawa is not quite so large, the population being 21,545, and it might well have been postponed if it were not for two considerations: first,—the manufacturing interest and the increasing size of the town: and in the second place a consideration of locality. The Ottawa section of country, with the single exception of this one addition to its representation, remains as it was; all the other members are given to Toronto and places north and west of Toronto, so that it is considered but right that of the six new members one should be given to the Eastern portion of Ontario. All those counties in the east, with a single exception, are small, and cannot be subdivided, and therefore it was thought well that Ottawa should have this additional member, especially as it would be carrying out the principle of giving some

addition to the manufacturing and commercial interests of Ontario. With respect to the rural constituencies the desire of the Government has been to preserve the representation for counties and subdivisions of counties as much as possible. It is considered objectionable to make representation a mere geographical term. (Hear, hear.) It is desired, as much as possible, to keep the representation within the county, so that each county that is a municipality of Ontario should be represented, and if it becomes large enough, that it should be divided into Ridings,—that principle is carried out in the suggestions I am about to make. That rule was broken in 1867 in three constituencies, viz., Bothwell, Cardwell, and Monk; and I do not think, on the whole, that the experiment has proved a successful one. I do not think it was unsuccessful as far as the representatives of those new constituencies themselves were concerned, as they are well and ably represented by the gentlemen who now hold seats for the constituencies; and I hope that if I am returned again to the next Parliament I shall meet those hon. members. But it is obvious that there is a great advantage in having counties elect men whom they know. Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in Western Canada. A young man in a county commences his public life by being elected by the neighbours who know him to the Township Council. If he shows himself possessed of administrative ability he is made Reeve or Deputy Reeve of his county. He becomes a member of the County Council, and as his experience increases and his character and abilities become known, he is selected by his people as their representative in Parliament. It is, I think a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have most confidence and of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two several counties and adding them together for electoral purposes only. Those portions so cut off have no common interest: they do not meet together, and they have no common feeling except that once in five years they go to the polls in their own township to vote for a man who may be known in one section and not in another. This tends towards the introduction and development of the American system of caucusses, by which wire-pullers take adventures for their political ability only, and not from

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any personal respect for them. So that, as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know, and when the representation is increased it should be by sub-dividing the counties into Ridings. Acting upon this principle it has been thought well to ask the House to give Huron, which has now two representatives in this House, an additional one. It has a population of 65,165, and it is proposed to sub-divide it into three Ridings, giving a population to each as follows:—North Riding, 12,862; Centre Riding, 22,791; South Riding, 21,512. It is proposed also to divide Grey, which has a population of 59,395, into three constituencies, North, East and South Ridings, containing severally, 18,580, 22,193, and 18,622 inhabitants. There is only one constituency more to be given to Ontario, and, after full consideration, it has been thought well to carry out the principle that was initiated by giving representation to Algoma—a new country just opened for settlement and almost beyond the ken or protection of the law—in order to give confidence to settlers going there. The proposition was sanctioned by Parliament, and it has proved successful. It is proposed, therefore, to give Muskoka District, and the District of Nipissing and part of Simcoe a member; and it will involve the necessity of giving those portions of Muskoka special practice in the same way as Algoma.

Hon. Mr. BLAKE.—The hon. gentleman does not state the number of the population of Muskoka.

Hon. Sir JOHN MACDONALD.—The population of Muskoka proper and Nipissing and Parry Sound is upwards of 8,000; but as regards the part of Simcoe to be included, the government are not yet in a position to state their views, that is as to the precise portion of North Simcoe which shall be added to make the constituency. It is proposed then that the six members shall be as follows:—an additional member for Hamilton, Grey, Toronto, Huron and Ottawa, and a member for Muskoka. It is proposed to take the opportunity, in bringing down this Bill, of re-adjusting the representation in the counties of Haldimand and Monck (hear, hear, from Hon. Mr. Blake,) by taking the township of Dunn from Haldimand and adding it to Monck. The population of Haldimand at present is 20,091, that of Monck is 15,130. By adding the township of Dunn it diminishes Haldimand to 19,042, and increases Monck to 16,179, being an approximation towards equalization. It is also proposed to re-

adjust the Ridings of Wellington. As they now stand they are very unequally divided—South Wellington contains a population of 14,347; Centre Wellington 24,459; and North Wellington, 24,484. It is proposed to re-adjust that representation by making South Wellington 23,432; Centre, 21,118, and North, 18,740, being a close approximation to an equalization of the Ridings. This is all the re-adjustment that we propose for Ontario. In Nova Scotia it is proposed to give the counties of Cape Breton and Pictou each two members. In New Brunswick the city and county of St. John, as now existing, is also to have two members. I omitted to state that it is not intended to divide either Ottawa or Hamilton. Although we have adopted in old Canada the principle of electoral divisions, it has not been considered in England, a proper mode of representation, inasmuch as it so completely excludes minorities, and in some constituencies in England they have introduced the system which we now propose, for the purpose of protecting minorities. It is therefore proposed that Hamilton shall return two members and that the city shall not be divided.

Hon. Mr. HOLT—How about Toronto?

Hon. Sir JOHN MACDONALD.—Toronto having been divided into sections, the sectional principle has been continued there. The division of Toronto is this: St. David and St. Lawrence wards will form the Eastern division; St. John and St. James the Centre, and St. Andrew, St. George and St. Patrick the Western division. In the Province of Quebec there is to be, of course, no increase in the number of representatives, but it is proposed to readjust the representation of Montreal. Any one on looking at the census will see that, while East and West Montreal embrace large populations; Centre Montreal is exceedingly small, and out of all proportion to the others. It is proposed therefore to re-divide the city as follows:—Montreal West to consist of the wards as at present constituted, of St. Antoine and St. Lawrence; Montreal Centre, of St. Anne, west, centre and east wards, as at present constituted; and Montreal East, of St. Louis, St. James and St. Mary's Wards. It is also proposed to add the Parish of St. Felix to the County of Quebec for electoral purposes. With these remarks, Mr. Speaker, I beg to move the first reading of the bill.

Mr. ROSS (of Wellington) asked what was the proposed division of Wellington?

Hon. Sir JOHN MACDONALD.—It is proposed that the North Riding shall

consist of Mayborough, Minto, Arthur, Mount Forest, Luther and Amaranth, having a total population of 18,740. The Centre Riding to consist of Pilkington, Elora, Nichol, Fergus, Garafraxa West and East, Orangeville and Peel, with a population of 21,118. South Wellington to consist of Puslinch, Guelph Township, Guelph, Eramosa and Erin, with a population of 23,432.

Mr. CAMERON (of Huron) wished to know the proposed division of Huron.

Hon. Sir JOHN MACDONALD—The North Riding of Huron is to consist of Howick, Ashfield, West Wawonosh, East Wawonosh, Morris, and Turnberry, with a population of 21,862. Centre Riding.—Colborne, Hullett, McKillop, Tuckersmith, Grey, Town of Goderich, and Village of Seaforth; population 22,791. South Riding—Goderich Township, Stanley, Hay, Stephen, Usborne and Clinton village; 21,512.

In reply to Mr. STIRTON—Hon. Sir JOHN MACDONALD stated that Grey would be divided as follows:—North Holland, Sullivan, Sydenham, Owen Sound, Derby, Sarawak, Keppel; with a population of 18,380. East Riding—Proton, Melancthon, Osprey, Artemesia, Collingwood, Euphrasia and St. Vincent; population 22,193. South Riding—Normanby, Egremont, Bentinck and Glenelg, 18,622.

Hon. Mr. BLAKE did not intend to discuss the details, but agreed that the principle of the division of the counties adopted was judicious, making the electoral divisions conterminous with the counties. He agreed that it was not well to urge the doctrine of representation by population too far, although it should be regarded as far as possible. He objected to the position laid down as to manufacturing interests being specially provided for. The counties in Ontario had large manufacturing interests among them, many of which he enumerated, and he denied that cities should be specially regarded as representing manufacturing interests. From that point of view he confessed that the principle on which the constitution was framed was overlooked in the distribution of the seats as proposed by the bill before the House. It was the increased population which should have the increased representation. It was by that increase the six members were given to Ontario, and he could not help feeling that the Government must go further than they had gone to satisfy the country. He believed there were some constituencies as small as any in British Columbia; Niagara and Cornwall being instances.

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The latter was in the County of Stormont, which had 18,000 people altogether, which was divided into the town of Cornwall, 7,000, and Stormont, 11,000. These anomalies ought to be got rid of. As to the provisions for representing manufacturing interests, Halifax, in Nova Scotia was entitled to another member, but in Nova Scotia the rural constituencies had alone been regarded. He denied that manufactures were represented only by members representing cities. Montreal was represented not merely by hon. members, but by those who hailed from that city and represented other constituencies. So was Toronto and instead of having too little weight these cities were charged with having too great influence in the Legislature. The principle of representation by population had been practically disregarded, the changes having been made evidently chiefly for political reasons, and he was not surprised that the bill had been brought down at this late stage of the session when there was scarcely time to discuss it. In these few remarks he had merely spoken for himself and would reserve further observations for another stage of the discussion.

Mr. WORKMAN was surprised at the changes made in Montreal. He had heard that changes were proposed in the division he represented, which division, by the census, did not show the actual number of voters. He had heard that St. Lawrence Ward was to be added to the Centre Division, but the addition of St. Anne's Ward formed a most unnatural arrangement. That ward contained more than the whole population of Ottawa, and he was at a loss to imagine why he was to be honoured by so large an addition to his constituency.

Hon. Sir GEORGE CARTIER said at no very distant day they would have to take into consideration a change in the constituencies, perhaps before the next census. What they were now taking into consideration was a more equitable representation of the Protestant population of Montreal. Montreal Centre contained a majority of Protestants. The Protestant vote was increasing in the St. Antoine and St. Lawrence Wards. With regard to the latter ward, it was now almost entirely settled, but there was a great deal to be settled in St. Antoine Ward. By the last census it was shown that the inhabitants of St. Antoine had increased since the census of 1861, when it was 17,000 to 24,000. In the last few years, too, nearly all the Protestant churches had been removed to these wards; indeed the only Protestant church which remained in the city

proper, was the St. James Street Wesleyan Methodist Church. In considering the re-adjustment of the representation of Montreal it became necessary to take into account what was called the "English-speaking" population, composed of Irish Catholics and Protestants; and the Protestant population, by the division now submitted, would be the stronger and more influential, in Montreal West, as composed of the St. Lawrence and St. Antoine Wards. In these wards too, he might mention, the Protestant influence was growing greater. With regard to the Irish vote, it remained strongest in the St. Ann's Ward. The number of votes, as it was proposed to arrange it in the West Ward, would be about 9,000. With respect to Montreal Centre, he admitted that it was not fairly represented as it now stood. The bankers and people of wealth who had formerly inhabited Montreal Centre, had gone for the most part into the suburban wards to live; and its inhabitants were now for the most part composed of care-takers and watchmen in warehouses, and the tavern-keepers, who lived near the large markets. A large portion of the merchants had their offices there, as had also the brokers, lawyers, &c., but altogether the number of votes amounted to but 2,100. This information he had obtained from the voters' lists prepared by the officials of the city, on which the voting would take place at the next general elections. Since the representation had last been adjusted, the commercial men of influence had removed from the Centre Ward to St. Lawrence and St. Antoine Ward, but by the proposition now made its Centre Ward would have about 25,000 inhabitants. Montreal East would remain as it is for the present. It had a population of 45,000 to 46,000, of which not less than 35,000 were French Canadians. As to the vote, in adding the present Montreal Centre to St. Ann's Ward, it would give about 6,000 votes. In putting St. Lawrence and St. Antoine together it would give 6,014 votes, and Montreal East would have 7,500 votes. But, as he had stated, it might perhaps be necessary ere long to re-adjust the divisions in Montreal, as every one knew that the proposition to enlarge the city limits was now being discussed in the City Council. He then referred to the population of Hochelaga, and said at some future time it might be proper to add Cote St. Paul to Montreal Centre, and the L'Anneries to Montreal West, and then a part of Montreal East might be added to Hochelaga. The present arrangement would, however, operate as follows with regard to votes.

Montreal Centre....	5,986 votes.
" West.....	6,014 "
" East.....	7,500 "

The member for Montreal Centre suggested that St. Lawrence Ward should have been added to Montreal Centre, but that would not have been a fair division, as the votes for that division would then only have been 4,500. Then if a part of the French Canadians had been added to that division, the English speaking voters would have complained that it was intended to swamp them, and in addition he (Sir George) liked to keep his own children.

Mr. CAMERON (Huron) desired to take the first opportunity to protest against the outrageous propositions of the Bill. If other subdivisions were anything like that proposed in the County of Huron, they were most outrageous. The ridings ought to have been made as compact as possible, instead of which the very reverse was the case. Another object should be that the Townships forming a Riding should be contiguous. This again was not the case, for Townships were taken out of the middle of Ridings and put in others. This, he believed, to have been done in order to operate against him (Mr. Cameron), and it seemed that the Minister of Justice refused to make a fair and just division of the County. He could come to no other conclusion than the friends of the Government had brought pressure to induce them to commit a gross outrage.

Mr. STIRTON complained of the division of the County of Wellington, and believed it had been brought about by the pressure at the hands of the friends of the Government. Two rural Townships were attached to a manufacturing community in a most unfair way.

Hon. Sir JOHN MACDONALD said he believed the House generally agreed with him that the county organization should be preserved as much as possible. He had observed this principle, and no county in Ontario had been split up. It was intended that the Bill should not destroy any constituency now existing. If the matter were done *de novo*, he could not say that Niagara or Cornwall would have a member, but they were established in 1791, and on a subsequent occasion, so averse was the Government of the day, (the Baldwin-Lafontaine) to extinguish them, that they attached to them the townships immediately adjoining, so as to justify their continuing to have a representative. This principle was one that obtained in England, and a constituency was seldom destroyed that had not by bribery or corruption or some other means

forfeited all claim to consideration. If this principle of not sweeping away existing constituencies were acknowledged, the measure would be found a good one. Huron and Grey were among the largest counties in Ontario, and were entitled to the members assigned them, as also were the cities of Toronto and Hamilton from the number of voters they comprised. In England every Reform bill, from that of 1830 to that of 1865, had tended to increase the representation to the manufacturing portions of the county; so that at the present moment, of the 658 members composing the House of Commons of England, 402 represented cities and Boroughs, and only 256 represented rural constituencies; and yet the member for West Durham objected to the number of manufacturing constituencies in Ontario being increased from nine to twelve. The member for Huron objected to the division made of his county. That division might not be convenient to him, but it met the principle which he and the member for West Durham had both advocated, it very nearly adjusted the representation to numerical equality. The number of voters in North Huron would be 21,862, in South Huron, 21,512 and in Centre Huron, 22,792. The House would therefore see now nearly numerical equality was attained, and the member for Huron would find, on examination, that the townships in the different divisions lay side by side.

Mr. CAMERON asked whether Tucker-smith and Goderich were side by side.

Hon. Sir JOHN MACDONALD maintained that the lay of the Townships in the different divisions was continuous, and if there was an equality of population the hon. gentleman could not charge the Government with acting against him. As to the complaints of the member for Wellington, that member had a little pocket borough of his own of 14,000, while the other two divisions contained 24,000 each.

Mr. FITZPATRICK said in 1865 the hon. gentleman proposed to make the borough still smaller.

Hon. Sir JOHN MACDONALD said the hon. gentleman knew well that his borough was formed by the Reform party, Mr. Ferguson Blair wishing to retain it in his favor for all time to come. Under the present arrangement the division of population was nearly equalized. The numbers in the three divisions would be 18,741, 21,818 and 23,432 respectively. The hon. gentleman admitted that he was safe under the new arrangement, and also that the liberal party was safe throughout the country, and therefore he did not think he need complain. If the hon. gentleman admitted that

he was safe and that his party was safe, it was clear that, out of his own mouth, the division had not been actuated by political feeling.

Mr. CARTWRIGHT asked in what particular way the minorities of Ottawa and Hamilton were to have a chance. He believed a well-considered system of minority representation deserved all consideration. He regretted that some such system was not to be introduced.

Hon. Mr. DORION referred to the division of the city of Montreal. He did not wish to complain, as he should leave that to the members for that city; but previously the object was to give the mercantile community a vote, now nothing was to be considered but population. Under the present division there was no Montreal Centre, it would be West, and the present Montreal Centre would be a misnomer; it would be Montreal North. The present division was a mere burlesque on the speeches of the leaders of the Government on the former division. He suggested that Point St. Charles should be added to Montreal Centre, and said that he was sure that neither he nor any future member for Hochelaga would be sorry to lose the Grand Trunk votes, which were always given in the way directed by their superiors, while the member for Montreal Centre might be glad to obtain those votes. He suggested a new naming of the divisions, and said the present plan was an entire contradiction to the principle previously advocated.

Mr. BOLTON regretted that the Government had not attempted to remove some anomalies in New Brunswick. In the House there was one member representing five thousand, and others thirty thousand. If the matter was not dealt with now it would stand for five years.

Mr. MAGILL did not think it possible that any such scheme could give universal satisfaction, but he maintained the present scheme could not fail to be considered fair and just in every way. He was pleased to find that it gave proper consideration to the manufacturing interests, which had not hitherto been the case. One member for Hamilton was entirely inadequate; for the population of that city was larger than almost any constituency in Ontario. He was satisfied the measure would meet the approbation of the country.

Hon. Mr. TILLEY said in the case of New Brunswick, though the population of the different counties was very irregular, it was found that no change could be made without a complete readjustment throughout the Province. It was considered de-

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sirable to retain the present county boundaries.

Mr. BOLTON asked whether a change would ever be made.

Hon. Mr. TILLEY—Did not say that, but mentioning certain counties, said it was very difficult to equalize the population at present without an entire change of boundaries. In course of time a change might be found practicable.

Mr. SNIDER referred to the division of the county of Grey, which he did not consider fair or equal. He suggested changes in the arrangement of the townships which ought to be made to make the division equal. He would state his views more fully on a future occasion.

Mr. CAMERON (Huron) suggested that a sketch should be appended to the bill shewing the proposed division.

Hon. Sir JOHN MACDONALD said any one could have reference to the railway maps.

The bill was read a first time, and the second fixed for Monday.

THE PACIFIC RAILWAY BILL.

Hon. Sir GEORGE CARTIER moved the third reading of the Pacific Railway Bill.

Hon. Mr. WOOD desired to have an expression of opinion recorded on the constitutional question he had brought forward on a previous occasion. In England, in cases of public works, estimates were brought down and votes asked each year, and so the House retained full control of the public expenditure. He thought the same principle should be adhered to in the present case, and moved, "that the said bill be not now read a third time, but that it be forthwith referred back to a committee of the whole in order to amend the same so that so large a sum as £30,000,000, and so large a quantity of land as 50,000,000 acres, shall not be at the disposition of the will of the Government of the day, and so that the said money and lands shall only be disposed of by specific annual votes of Parliament from time to time given as shall seem to Parliament right and proper, and so that Parliament shall not be divested of its most important function, namely, control over the public expenditure of the country." He desired that the members should be placed in a proper light before their constituents, and should therefore press a division.

Hon. Mr. HOLTON said the amendment was an affirmation of the principle previously set forth by the member for Lambton, but with it was blended crudities and crotchets of the member for Brant, which rendered it impossible for him to vote for

it; and it ought not to be so presented to the House.

The members were called in and the amendment declared lost on the following division:—Yeas, 33; nays, 100.

Mr. MILLS moved "that the bill be not now read a third time, but referred back to a committee of the whole House in order to make provision that the Government should not have power to grant to any company which has amongst its shareholders a member or members of Parliament, the public monies or the public lands set apart by the bill for the construction of the Pacific Railway." He said the principle of amendment was fully recognized and he need say nothing in its support.

The members were called in and the amendment was lost on the following division:—Yeas, 42; nays, 83.

The bill was then read a third time and passed amid loud cheers, Sir George Cartier calling out, "All aboard for the West!"

FINANCIAL.

On motion of Hon. Sir FRANCIS HINCKS the House went into committee to consider a resolution to amend the Act respecting the loan for paying a certain sum to the Hudson Bay Company. The committee rose and reported and the resolution was read a second time.

The bill based on this resolution was then read a first time.

QUARANTINE.

On motion of Hon. Mr. POPE the House went into committee on the bill relating to Quarantine. The Committee rose, reported and the bill was read a third time and passed.

EMIGRATION AID SOCIETIES.

On motion of Hon. Mr. POPE, the House went into committee on the bill to provide for the incorporation of the Emigration Aid Society, but, upon objection from Hon. Mr. Blake, the bill was allowed to stand over.

SALARIES OF JUDGES.

Hon. Sir JOHN MACDONALD moved the House into committee to consider a resolution to amend and extend the schedule of the Act, 31 Vic. c. 33, and to make provision for the salaries of Judges and Stipendiary Magistrates in the Provinces of Quebec, Nova Scotia, Manitoba and British Columbia, &c.

Hon. Mr. BLAKE said he would like some explanation as to a portion of the resolution. They should be told upon what

principle the salaries were being paid in British Columbia. He observed that provision was made for an additional Puisne Judge, without stating what the salaries would be in case of vacancies. It was proposed to have six Stipendiary Magistrates, besides three Superior Court Judges. The Act of Union vested the appointment and payment of Stipendiary Magistrates in the Local Governments, and he would like to know why it was necessary for ten thousand people to have six Stipendiary Magistrates, and why they should be paid by the Dominion.

Hon. Sir JOHN MACDONALD replied that he mentioned yesterday such portions of the resolution as it then occurred to him required explanation. In Quebec an additional Puisne Judge was allowed for Montreal. In Nova Scotia salaries for two additional judges were voted last year; but, owing to his illness, Legislative authority had not been obtained. In Manitoba it was provided that the judges might be made available for judicial purposes beyond the bounds of the Province, that is to say they were permitted to perform judicial duties in the North-West Territory until that country was absorbed into a province or provinces. The salary was \$4,000, the smallest salary given to any Superior Court Judge. In the Province of British Columbia there was a Chief Justice and a Puisne Judge, whose salaries were fixed by the Imperial Government, and could not be reduced during the life-time of the present incumbents. He had inserted one Puisne from the fact that he had had communication with the Lieutenant Governor of British Columbia on the importance of having a third Judge there. He thought it was in the highest degree desirable that there should be a Court of three—in consequence of having only two Judges there might be frequent failures of Justice on account of difference of opinion. He was under the impression that the Local Legislature had passed an Act with that provision, but the certified copies of the Act had not yet been received, and he had therefore provided for the additional judge. The reason he had only asked the House to vote the salaries of the present judges was that he fancied it would be the early duty of the new Parliament to consider the salaries of the judges of the Superior Court, which were not in a satisfactory state at the present time, therefore he had not put in any salaries for vacancies by death. It should be thought well to provide for such a contingency, he would recommend \$4,000 per annum for the Chief Justice, and \$3,200 for the Puisne Judges. With respect to

the Stipendiary Magistrates, they were Imperial appointments, and the gentlemen holding those offices performed the duties of County Judges; and, according to arrangement, those salaries must be paid during their incumbency. They were Stipendiary Magistrates, Indian Agents, Gold Commissioners, &c., and were specially required on account of the influx of miners during the gold fever. As to the two pensioners, those were only put on schedule in order that they might be included in the civil list. Although he had not been officially notified, he was aware that since the schedule had been drawn up, one of the pensioners had died, and therefore the pension would not be required. The other was the Colonial Secretary, whose salary must be paid him under the terms of union with British Columbia.

Mr. DECOSMOS asked if it was the intention of the Government that the Stipendiary Magistrates should be allowed to continue to hold courts.

Hon. Sir JOHN MACDONALD said as he understood the matter they performed duties analogous to those of County Court Judges.

Mr. DECOSMOS replied that their duties were to act as Gold Commissioners, as ordinary Magistrates, and as Justices of the Peace, and there was a very general feeling throughout the country against non-professional men acting as County Court Judges. He understood that a bill had been passed by the Local Legislature on the subject, and he had hoped the Government would have received it in time to remove a long standing grievance in the country.

Hon. Mr. BLAKE—We pay the Gold Commissioners then.

Hon. Sir JOHN MACDONALD—Yes, so long as they act as County Court Judges. The difficulty is that there is an objection in the province to non-professional men being placed at the head of the County Courts. Under the arrangement with British Columbia all these gentlemen must be employed or pensioned at two-thirds salary. He understood that they were men in the prime of life, and had no doubt they would be only too glad to get the pensions and employ their energies wherever they pleased.

Mr. MILLS—Six Stipendiary Magistrates and three Superior Court Judges to a population of 10,000.

Hon. Sir JOHN MACDONALD said the great rush of foreigners and miners to the gold fields had rendered the appointments necessary. The provision had been approved by the House and would have to be carried out. The salaries were the

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same as before the Union, and were fixed by the Imperial Government. The population was nearer 60,000 than 10,000.

Hon. Mr. WOOD had made inquiries and ascertained that in Nova Scotia they had no County Courts, and he thought they were extending them to British Columbia too soon.

Mr. DECOSMOS replied that for a very long time past British Columbia had had County Courts, and the large space of territory and scattered population necessitated the appointment of six stipendiary magistrates.

Hon. Sir FRANCIS HINCKS said the proposition of the hon. gentleman opposite was simply to pension off the stipendiary magistrates and appoint County Court Judges in lieu of them.

Mr. ANGLIN did not think that the Dominion should be called upon to pay the stipendiary magistrates. He referred to the system in force in New Brunswick. He thought the present judicial staff in British Columbia was adequate to meet the requirements of the Province. The expenditure connected with British Columbia was already enormous and should not be increased unnecessarily. He thought the proposition to appoint three Judges for Manitoba preposterous, and he should favor any amendment tending to the exercise of reasonable economy.

The House then went into committee on the resolution — Mr. Street in the chair.

Hon. Mr. BLAKE thought the appointment proposed entirely too large for the requirements of the Provinces. The Legislature of Manitoba first considered one Judge sufficient, and had only changed their views on learning the opinion of the Minister of Justice, and so a large expenditure was now asked in order that there might be three judges. As to British Columbia, he believed two or four were quite enough for an Appellant Court and he thought it unfortunate that the Premier himself should have suggested a burden greater than the Province itself asked for. If the Stipendiary Magistrates were County Court Judges, they should be so termed in the resolution. British Columbia might in future years require County Court Judges, and it must be done if necessary; but they were bound to see that it was necessary before doing so. In the unorganized portions of Ontario, which the Government claimed were not within the province, stipendiary magistrates were appointed, and they were not termed County Court Judges so as to throw the burden on the Dominion. If only the County Court work was to be performed, so many appoint-

ments were not necessary, and the work of magistrates and commissioners should be borne by the Province, and not by the Dominion. The amount was unimportant, but the question involved the whole matter of the administration of justice—and the consequence would be that the Minister of Justice would suggest the necessity of other judges, and then fill the offices and pay the salaries, and so more appointments would be made than necessary. If British Columbia created County Courts they were entitled to have the judgeships filled by professional gentlemen.

Mr. SMITH (Selkirk) said that since Manitoba considered one judge sufficient, the population had spread over the country very considerably instead of being as then confined within a short range from Fort Garry—and what was then sufficient would be very inadequate now—and the amount asked for was in no way too large, considering the increased expense of living in that country. Three judges would not be too many.

Mr. MILLS maintained that the duties devolving on the judicial officers in British Columbia were very small, as far as the Dominion was concerned, and their principal duties were connected with the Province. He thought one-third of the amount quite sufficient.

Hon. Sir JOHN MACDONALD said the Judges had their salaries secured to them, and if others were appointed, they would have to be pensioned. He understood that there were County Courts in British Columbia, and the Dominion must pay the salaries.

Hon. Mr. BLAKE repeated that two-thirds of the duties were of a local character.

Hon. Sir JOHN MACDONALD said on the day of the union these gentlemen were all entitled to pensions and could have retired.

Mr. DECOSMOS objected that the salary proposed for the Judge in British Columbia was inadequate.

The resolutions were passed by the Committee, and the Bill founded thereon was introduced and read a first time.

The House adjourned at six o'clock.

SENATE.

MONDAY, June 3, 1872.

Hon. Mr. BOTSFORD, [in absence of Hon. Mr. Cauchon,] took the Chair at 3 o'clock.

THIRD READINGS.

The followings bills were read a third time and passed:

To incorporate the British American Assurance Company.

To amend the Act respecting rivers and streams so as to apply to the river Sydenham.

SECOND READING.

On motion of Hon. Mr. REESOR, the bill respecting the London and Canadian Loan Agency was read a second time and referred to the Committee on Standing Orders and Private Bills.

COAST NAVIGATION.

Hon. Mr. McCLELAN asked—Whether it is the intention of the Government to provide this Session, for the construction of a steam fog whistle on Cape Enrage, in the Bay of Fundy, in view of the dangerous character of the coast, and the increasing amount of vessels employed in said Bay? In making the motion, the hon. gentleman urged the importance of the service, and took an opportunity of expressing his satisfaction with the energy and vigilance displayed by the Department of Marine and Fisheries.

Hon. Mr. MITCHELL said if the Department deserved the thanks of the commercial community for its vigilance, due credit must be given to the subordinates. With respect to the enquiry he stated that the Government, whilst acknowledging the necessity for the fog whistle, were unable to provide it this session, but would certainly do so next session, should the country continue to give them its confidence. The Government were able to state they intended providing a fog whistle at Machias Seal Island, in the same Bay.

Hon. Mr. WILMOT was glad to hear the intimation of the Minister on the latter point, for a steamer had been lost on the island recently, and it was a very dangerous spot.

CONTINGENT ACCOUNTS.

Hon. Mr. SEYMOUR moved the adoption of two reports of Committee on Contingent Accounts. The first simply referred to the Clerk's account with the Senate from 1st February to 31st December, 1871, and reported it to be correct. The second report recommends that Antoine Alphonse Boucher, Esquire, the Senior of the French Translators, be promoted to the office of Chief French Translator to the Senate, vacated by Robert LeMoine, Esquire, on occasion of his appointment as Clerk of the Senate. They recommend that Elizabeth

Hon. Mr. McLelan.

Hewson be appointed and employed as a charwoman. The Committee also recommend that John Wingfield be appointed and employed as a Sessional Messenger, said appointment to date from the first day of the Session, since which day he has been doing duty as such, and on the reference made to the Committee on the twenty-fourth day of April last, of the petition of C. W. Taylor, the Committee report that they cannot recommend that the prayer of the said petition be granted.

The reports were adopted.

The House then adjourned, after receiving several bills from the Commons.

HOUSE OF COMMONS.

MONDAY, June 3, 1872.

The SPEAKER took the chair at 3:15 p.m.

PETITION.

A petition from the inhabitants of St. Columban, against the annexation of that parish to the County of Quebec for electoral purposes, was presented by Mr. Fournier, who moved that it be printed and distributed.—Carried.

DIVORCE BILL.

Hon. Col. GRAY moved the first reading of the Divorce Bill from the Senate, for the relief of John Robert Martin.—Carried.

Hon. Col. GRAY then moved that the bill be referred to a Select Committee.

Hon. Mr. LANGEVIN said that he had always voted against bills of this kind, on the ground that he did not agree with those who believed that Parliament should deal with matters of divorce, and therefore, without going into the strong arguments in favour of that view, from a Roman Catholic point of view, he would ask that the sense of the House be taken on the motion.

Hon. Col. GRAY hoped that those who entertained conscientious scruples on this subject would consider those holding different views, and allow the matter to be proceeded with, as there were no tribunals in the country before which such subjects could be brought.

The vote was then taken on Hon. Col. Gray's motion, with the following result:—Yeas, 76; nays, 64.

Hon. Col. GRAY then moved that all the evidence laid before and taken by the Senate in this matter, be referred to the said Committee. Carried on the same division.

SEIZURES.

Hon. Mr. TILLEY presented a return of seizures under the Customs Act.

BAY VERTE CANAL.

Hon. Mr. LANGEVIN brought down the return relating to the Bay Verte Canal.

CRIMPS.

Mr. SIMARD, before the orders of the day were called, would, in the name of humanity, call the attention of the House and Government to the state of uncertainty in which the commerce of the country was placed, owing to the depredations of crimps in the harbour of Quebec. The hon. gentleman read extracts from newspapers giving particulars of these depredations, in which one sailor, who could not be induced to leave his ship, was shot down in the most cold-blooded manner. He implored the Government to organize an efficient and strong police force to protect lives and property in the city which he had the honour to represent.

Mr. BOLTON was glad the subject had been brought up. Petitions had been presented from shipowners in England, complaining of the state of things in the port of Quebec, and he thought that unless some energetic action were taken, it would injure the shipping trade of the Dominion.

Mr. WORKMAN said the port of Quebec was celebrated for its lawlessness during the summer season, and in his opinion this was because the law was not properly administered there, and he cited a case in Quebec where a prisoner who had been convicted of crimping was permitted by a judge, after the witnesses had left the country, to enter a plea of not guilty, which resulted in his discharge. Owing to the efficient state of the police in Montreal crimping was scarcely known.

Hon. Mr. IRVINE was sorry to say that there was too much truth in the statement of the member for Montreal Centre; but he could not assert that the hon. judge had induced the prisoner to withdraw his plea of "guilty" and plead "not guilty." The man had afterwards been bailed in two sureties of \$40 each. He was of opinion that lawlessness had increased during the past two years owing to the unfortunate desire on the part of the Government to economise, by reducing the water police to a number quite inadequate to the requirements, and he hoped the Government would be induced to increase the force at the port of Quebec.

Hon. Mr. CHAUVEAU said the Gov-

ernment of Quebec had offered a reward of \$1,000 for the arrest and conviction of the parties who committed the outrage.

Hon. Sir GEORGE CARTIER explained the causes of the crimping at Quebec, and thought the proper remedy would be to furnish the shipbuilders, ship owners, and others who employed the men obtained by crimps to navigate their newly built vessels to the other side of the Atlantic, leaving vessels in this port without seamen, thereby encouraging crimping. He had listened to the statement of the member for Montreal Centre with great pain. That statement contained good ground for the impeachment of the judge, and the hon. gentleman should be prepared, and ought before leaving his seat, to make his statement in writing, in order that the judge, if guilty, might be brought to trial, or he should not have made such a statement.

Mr. WORKMAN had received his information from what he considered to be a reliable source, but had wrongly stated as to the judge having induced the prisoner to withdraw his plea of guilty, and was glad to be able to correct his remarks in that respect.

Hon. J. H. CAMERON had understood that there was some mistake on the part of the counsel of the prisoner as to the effect of pleading guilty under the circumstances, and it being discovered that the only sentence the judge could pronounce was capital punishment, application to change the plea was made and granted.

Hon. Mr. BLAKE could not understand how bail in two sureties of £10 each had been accepted for a man who had pleaded guilty.

Hon. Mr. IRVINE was in court conducting the Crown business when the prisoner was tried, and then protested against the charge of plea.

Hon. Sir JOHN MACDONALD agreed that it was unfortunate that the judge had allowed the plea to be withdrawn. The better course would have been to have allowed the trial to proceed, and the judge could have made representation to the Government to prevent the sentence being carried out. He also thought it a mistake allowing the prisoner to be bailed; but it was simply an error in judgment, and judges, like other men, were liable to errors. With respect to the water police force employed at Quebec, it would be known by hon. gentlemen who sat in the late Parliament of Canada, and up to the present time, till objection had been taken to the votes for the water police at Quebec and Montreal, and the force had been

considerably reduced; but upon representation from Quebec, the Minister of Marine had authorized that the force be increased to thirty men.

The subject then dropped.

BRIDGES.

Hon. Mr. LANGEVIN introduced a bill respecting bridges, and explained that its object was to apply those clauses of the railway act respecting the inspection of bridges to public bridges not under the control of the Government.

FUNERAL OF THE LATE J. S. MACDONALD.

Mr. J. H. CAMERON said that he had been in telegraphic communication with Mr. Brydges, who had arranged that, by leaving Ottawa at seven o'clock to-morrow morning those members of the House who desired so to do could attend the funeral of the late Mr. Sandfield Macdonald, returning to Ottawa in time for the half-past seven sitting, and he asked that it might be understood that no matters to which there would be opposition would be taken up during the afternoon sitting.

Hon. SIR JOHN MACDONALD was sure the Government would be ready to pay every respect in their power to the memory of Mr. Sandfield Macdonald, as an old and respected member of the House, as a well-known person in public affairs, and as a gentleman who had held a high position in the Provinces of Canada and in the Province of Ontario. He had no doubt that every hon. gentleman in the House would join cordially in a tribute of respect to his memory. It was rather a strange coincidence that Mr. Macdonald himself should have been one to move the abolition of the custom of adjourning at the death of a member. That rule having been established he thought it wise to adhere to it, and when special circumstances arise, and the House felt it its duty to pay respect they could adopt some other course than that of adjournment. The Government would willingly concur in the suggestion of his hon. friend. He would take the opportunity of expressing for himself the deep and sincere regret that he felt at the loss the House had sustained. Although Mr. Macdonald for the major part of his life had been opposed to him (Sir John) he would heartily accord to his lamented friend and his memory the tribute that he was sincerely attached to his and its best interest. He was heart and soul a Canadian. Whatever might have been his course with his party or by his party, still he was actuated by a desire to promote the best interests of Canada. All who had known him for the many years he had been in Parliament

would concur in that opinion. He regretted exceedingly that the necessities of public business would prevent his proceeding to Cornwall and having the melancholy pleasure of paying his late respects.

Hon. Mr. CHAUVÉAU spoke in French in terms of deep respect to the memory of Mr. Macdonald, and concurred in the suggestion of the member for Peel.

Hon. Mr. MACKENZIE was sure that every one on his side of the House would do anything which they could mutually do in honour to the memory of the departed statesman. The Hon. Mr. Macdonald had long been his personal friend, and though on political grounds they had of late years differed, that difference never extended beyond political matters, and nothing would give him more pleasure than if possible to get away, in order to pay the last tribute of respect to his memory. All knew that, whatever might have been his political course, he was, as the Minister of Justice had said, at heart and soul a Canadian, and as such it would give the utmost gratification to every one to do anything that would shew to his relatives and to the country that they appreciated the position he held in the country without regard to party. He suggested that the estimates should be taken up on the afternoon of the following day, and any disputed items passed over.

Hon. Sir JOHN MACDONALD said the course suggested was quite satisfactory.

Hon. Mr. DORION was glad to hear expressions of such marked respect towards one in whom they all had the highest confidence. He for one intended to pay the last tribute of respect to his memory, and he thought few had deserved so well a mark of respect from those who had known him.

Hon. Mr. BLAKE was very glad arrangements had been made to allow a great many to pay the last mark of respect to the memory of the departed gentleman. During the short course of his (Mr. Blake's) political life he had been in opposition, and speaking from that point of view, he rejoiced to hear the statements expressed from both sides of the House as to the manner of regarding political differences, and he hoped they would be able to act on such sentiments in the future. Enmities should be written in water. As to the gentleman whose memory they were now speaking of, he joined most heartily in the statement already expressed that he was at heart and soul a true Canadian. To the best of his ability and according to his views—and his abilities were great and his views acute—he had always done what he thought was for the interest of his country.

Hon. Sir FRANCIS HINCKS said that

Hon. Sir J. A. Macdonald.

very few in the House had had a greater knowledge of the deceased gentleman than he had. They had known each other from the beginning of their political life, and from that time had enjoyed a course of uninterrupted friendship. They entered Parliament together, and had been colleagues in office for a long time; and, though their political connection had been interrupted, during a period of thirty-five years, they had continued to be warm personal friends, and he could not remain altogether silent without cordially agreeing with the remarks that had been made, and without saying how sincerely anxious he was to pay every possible mark of respect to the memory of the deceased.

Hon. Sir GEORGE CARTIER could add nothing to the sentiments of sympathy and regard to the sense of the loss the country had sustained, which had been expressed from both sides of the House. Mr. Sandfield Macdonald and he had been personal friends before entering the political arena, and when he (Sir George) first entered Parliament, it has been his happy lot to support Mr. Macdonald and his colleagues, and, though they had afterwards been opposed, their mutual friendship had never ceased, and he could say that the deceased gentleman had been one of his best personal friends, and no one had stood nearer to his heart, and to no one had he a greater or more sincere friendship. He regretted very much his loss personally and politically, and sympathised deeply with the bereaved family, with whom also he had the pleasure of being intimately acquainted. He regretted very much that the necessity for his presence in Ottawa would prevent him from attending the funeral and so testifying his respect for the memory of the departed, and his sympathy with the family.

TORONTO CORN EXCHANGE.

The Act to incorporate the Toronto Corn Exchange Association was read a third time and passed.

WESLEYAN METHODIST MISSIONS.

Hon. Mr. ABBOTT moved the House into Committee on the Act to incorporate the missionary society of the Wesleyan Methodist Church in Canada. The Act was passed through committee with amendments, was read a third time, and passed.

SENATE AMENDMENTS.

The amendments made by the Senate to the Act to incorporate the Marine Bank of the Dominion of Canada were read a second and third time and concurred in.

The amendments made by the Senate in the Act to incorporate the Exchange Bank of Canada, the Act to incorporate the Bank of Acadia, the Act to incorporate the Bank of Hamilton, and the Act to incorporate the St. Lawrence Bank, were read a third time and concurred in.

ANTICOSTI COMPANY.

The Act to incorporate the Anticosti Company was read a second time and the House went into committee, Mr. Cartwright in the chair. Certain amendments were made and read a first time.

At six o'clock the House rose.

AFTER RECESS.

CLAIMS.

Mr. WORKMAN moved for correspondence relative to the claims of Mr. G. H. Ryland on Her Majesty's Government. Carried.

MONTREAL HARBOUR.

Mr. WORKMAN moved for correspondence in reference to the stoppage of certain improvements at Windmill Point, Montreal Harbour. He regretted that this work had been stopped, as it would have been a great convenience to shippers. He would like an expression from the Government as to whether it would be continued.

Hon. Mr. LANGEVIN consented to the motion. The reason of the stoppage was, he had found that the proposed work would interfere with the construction of a second entrance, which it was proposed to make to the Lachine Canal, and if the work referred to by the hon. member was constructed it would afterwards have to be destroyed. The harbour commissioners had been recommended to propose a comprehensive scheme for the general improvement of the harbour to be taken into consideration from time to time, and he had no doubt they were now engaged on that.

Mr. WORKMAN was glad an additional entrance was to be given to Lachine Canal, as at present it was much wanted. He was satisfied this explanation would give general satisfaction.

CLAIMS RESPECTING THE RED RIVER REBELLION.

Mr. DREW moved for a statement of claims made respecting the insurrection in Rupert's Land. He said that many of the claims were as objectionable as that alluded to in the report already submitted, and he thought that the evidence taken by Judge Johnston in each case should be laid before the House.

Hon. Sir FRANCIS HINCKS had no objection, but the information was already in the Public Accounts.

Mr. JONES drew attention to the claim of Thomas Baxter, which was deserving of consideration.

The motion was carried.

PURCHASE OF WAR MATERIAL.

Hon. Mr. BLAKE moved for correspondence touching the amount of stores purchased by Canada from the Imperial Government. He had observed that it had been stated in the Imperial Parliament that the Canadian Government had represented that the arms and stores had not been handed over as agreed upon, and that the officer commanding the artillery had replied that the statement was erroneous, ill-founded and hasty. He desired information on this point.

Hon. Sir GEORGE CARTIER said all papers on the subject that could be brought down would be submitted.

JUDGE JOHNSON.

Mr. FOURNIER moved for copies of the commission of Hon. J. G. Johnson as Judge of the Superior Court.—Carried.

HAMILTON AND PORT DOVER ROAD.

Mr. THOMPSON moved for correspondence relative to the Hamilton and Port Dover Road. He stated that since the road had been handed over to a company it had been allowed to get out of repair, so as to become dangerous. There were only two or three miles of good road, on which they took care to collect tolls. The people of the neighborhood considered the Government culpable in the matter.

Mr. LAWSON thought the complaints were well founded, and hoped the Government would take the matter up, and, if possible, afford some relief.

Hon. Sir FRANCIS HINCKS said that the difficulties in the way could not be removed if to accomplish that the Government were expected to spend money on the road. A sum of money was already due the Government on this road, and he was afraid they would neither get principal nor interest. The Government could not undertake to keep local roads in repair, and they had been attacked for not making the road company fulfil their engagements, and pay the money they owe on the purchase.

Hon. Mr. WOOD considered that the company had had ample time to pay the purchase money, and thought that the Government should take the road out of their hands and call for tenders.

The motion was then carried.

Hon. Sir F. Hincks.

DUAL REPRESENTATION.

The consideration of the amendment made in Committee of the Whole to the Act to compel members of the Local Legislature in any Province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament, was resumed.

Mr. COSTIGAN moved that the bill be referred back to the Committee for amendment.

Hon. Mr. BLAKE thought the bill should be referred back to Committee without instructions.

Hon. Sir GEORGE CARTIER said if the amendment were objectionable it would be amended on receiving the report.

Hon. Mr. BLAKE maintained that the whole effect of a Committee of the Whole would be destroyed.

Hon. Sir JOHN MACDONALD thought there was no force in the objection, and it would be better to discuss the amendment with the speaker in the chair.

Hon. Mr. HOLTON said the effect of the new course would be to dispense with the first and second reading, as the amendment constituted the whole bill.

Hon. Sir JOHN MACDONALD said the amendment contained no new principle, and a present discussion on the change gave a second reading.

The SPEAKER said the matter rested entirely with the House.

Hon. Mr. WOOD said the change would bring in an entirely new bill, and was out of order, and quoted a precedent.

Hon. Mr. HOLTON spoke to the same effect.

The SPEAKER overruled objection.

Hon. Mr. BLAKE referred to the amendment previously made when he had pointed out the necessity of amendment to attain the object proposed. Formerly it had been proposed, and the House agreed, that the bill should operate from the issue of the writs, and he was glad that the position which he should have called "outrageous" had been receded from and to make the period of disqualification that of nomination. That would give the Government an advantage that no Government ought to possess. It was now proposed that for the purposes of the hon. gentleman opposite, election for the local House would disqualify for the House of Commons. He did not think the bill was of such great consequence as had been supposed, and did not think it would have the effect expected; but he believed the Government would lose in the matter on account of the feeling that would be raised throughout the country that they

were using their power for the purpose of thwarting the Local Legislature. He had already voted on the principle of the bill, and he did not propose at any future stage to vote on the bill as it affected Ontario.

Mr. COSTIGAN said that, as the bill had been first arranged, the Ontario Legislature would have time within its terms. He had had some difficulty from inexperience, in framing the bill; but he had not the slightest desire to affect any gentleman opposite, but believed the operations of the bill would be beneficial throughout the country. He believed the member for West Durham to be sincere in his expression in favour of the bill, and had accepted his suggestions. The bill in no way singled out Ontario, but affected all Provinces alike.

Mr. MILLS maintained that Mr. Costigan had extended his bill to the Province of Ontario in consequence of new light received from the Government. The principle of the bill did not warrant its application to Ontario. He believed the bill to be out of order, but should not raise the question at that moment.

The motion was carried, and the House went into Committee—Mr. Nathan in the chair. The amendment went through Committee.

Hon. Mr. BLAKE said the question of disqualification was being pushed further day after day, and he should hail the day when the principle of the bill previously proposed by the member for Bothwell should be acknowledged. At the same time, it was their duty to guard against a great danger. He then referred to the formation of the company for the construction of the Pacific Railway, pointing out that the Government of the day would have such a control over them that the good will of the Government would make them prosperous. The ill-will of the Government would effect their ruin. He believed that sufficient means had not been provided, and that further applications for assistance would yet be made; but in addition to that there was the strongest degree of interest in the question whether they got their land and money as they wanted it. There had already been rumours of discontent on account of an amendment providing that the subsidy shall be payable in proportion to the construction, as that was calculated to hamper the company. Everything was to be left in the hands of the Government, and under those circumstances he entertained the strongest opinion that it was essential to the independence of the House that they should get out of the walls of the House those gentlemen who

entered the company, which was supported and sustained by the Government, and would have to obtain its resources for the prosecution of the work from the Government of the day. On examining the matter he found that in the list of provisional directors there were twenty-five members of Parliament, and if these directors remained in the House, how long even would the stern virtue of the Minister of Justice resist an attack of a board of twenty-five members saying to him: "We support you, but we cannot do so if you are so niggardly of the public lands and monies. We want the lands and money faster, and a little more, and we must have them or the next vote of want of confidence may find us on the other side." He moved, therefore, "that the report of the committee be not now received, but that the bill be referred back to the Committee with instructions to make provision that no person being a shareholder in the Pacific Railway Company, which is to receive \$30,000,000 and 50,000,000 acres of land on terms to be fixed by the Government of the day, shall be eligible for a seat in the House of Commons."

After discussion the amendment was lost. Yeas, 55, nays 90.

Hon. Sir JOHN MACDONALD admired the Roman virtue of his hon. friend opposite, but it was rather late in the day to display it. The hon. gentleman so much approved of the principle of the bill that he had voted for it the other day much to the disgust and annoyance of his leader. Devoted, however, as the hon. gentleman had been to the principle, he had managed to leave a loop hole for himself by a trick upon his own Legislature before which he had so manfully put his bill as to make the country believe that while he retained a seat in the Commons he would be rightly excluded from the Legislature. He had endeavoured to play two games and to hedge for the double event (laughter.) Although he had been so virtuous as to vote for the second reading, the hon. gentleman seemed now to be disgusted at having been taken at his word. Now, with regard to this resolution, if the hon. gentleman would look at home he would find plenty of occasion for the exercise of that virtue which he was so anxious to bring into play here. Let him look there and see the many railway bills passed in the last session in which the M.P.P.'s named in them were supporters of the hon. gentleman (cheers). The hypocrisy of the resolution was so evident that it well create a laugh. Why, what had the hon. gentleman done? He had called the members of the Local Le-

gislature together in a back room, asked them how much they wanted for their railway, and by settling how much each was to get for his constituency, the hon. gentleman increased his majority from one to twenty, and now he came here and talked of his public virtue (cheers). He (Hon. Sir John) wondered that the hon. gentleman did not sink through the floor with shame at his hypocrisy, for it was nothing more nor less, and the country would certainly regard it in that and no other light (cheers). He (Hon. Sir John) commented upon the disgraceful haste with which the hon. gentleman had rushed his Orders in Council through the Legislature, and yet he had come here with this poor pretence of virtue, expecting that he could impose it upon the country. The resolution was false in principle, for there was no reason why men of means, capable of joining in great enterprises, should be excluded from Parliament. It was a great thing for any Legislature to have included in its ranks men of standing, capital and enterprise, who would put their hands to the plough and help the country in carrying out great works of improvement. The best way to prevent a man from using his influence improperly was to hold him responsible here as a representative. If the House and country knew that a man was connected with an enterprise, he was powerless to aid that enterprise improperly, for if he were to advocate additional grants to it the answer would be, "You are not to judge in this matter; you are not to speak because you cannot speak disinterestedly." The danger was that when men were excluded from openly having an interest, they could hold it in the name of their sons, or brothers, or partners, and the hon. gentleman knew what use could be made of partners (cheers and laughter). They would do covertly what they were not permitted to do openly, and there would be more danger in that because they would operate in the dark and with greater chances of success. The motion was unworthy of the hon. gentleman, because it was intended to transfer a bill for which he had felt himself compelled to vote, but which he now desired should be thwarted. He (Hon. Sir John) asked whether the hon. gentleman, when he appropriated money in aid of the Toronto and Nipissing and other western railways, had made any proposition to exclude from the Legislature of the Province all shareholders in those companies (cheers).

Hon. Mr. BLAKE said that, as to the railway subsidy, not a soul in the Local House besides his colleagues had an idea

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as to the extent of the aid to railways, nor to which railways the aid was to be given, one day before he announced his policy on the railway question. He warned members that he would not answer on the floor of the House of Commons accusations made against him in regard to local matters. He charged the Minister of Justice with obtaining his information from *The Mail* which he characterized as the inspired organ of, and as subsidized by, that gentleman.

Hon. Sir GEORGE CARTIER personally was opposed to the principal of the bill because he thought the matter was one for legislation by the Provinces, but would have to oppose the motion of the member for West Durham. He thought it wrong to prevent any member of Parliament investing his money in such an undertaking and instanced the many cases of loss by shareholders of Canadian Railways. The member of West Durham being out of his seat, he asked the member for Lambton, if among these railways in the Province of Ontario which received bonuses there were not railways or a railway in which members of the Local Legislature were stockholders.

Hon. Mr. MACKENZIE did not know whether there were or not personally. He had never inquired and did not then know.

Hon. Mr. BLAKE having resumed his seat,

Hon. Sir GEORGE CARTIER put the same question to him, to which he replied that he did not know, and had no idea whether there were or not.

Mr. WHITE (Hastings) said the member for West Durham must know that there were at least two members of the Local Legislature for the County of Hastings who held stock in railways to which bonuses were given.

Hon. Mr. BLAKE thanked the hon. gentleman for telling him that which he had just stated he did not know.

Mr. CUMBERLAND said the hon. gentleman must know that he (Mr. Cumberland) was a shareholder.

Hon. Sir GEORGE CARTIER said the effect of the replies that he had elicited was that there were members of the Local Legislature who held stock in the railways aided by the bonuses to which the leader of the Opposition and the member for West Durham pretended to plead ignorance, and he wondered why the hon. gentleman had not inserted a similar provision to his amendment in his bill, by which he hurriedly distributed \$2,500,000 among the railways of Ontario.

Mr. JONES (Leeds) thought the ques-

tion at issue should be kept in view. The matter of railway grants in Ontario had been brought up to show that members of Parliament were connected with the railways to which grants had been made, and he thought that a good argument to show that members of Parliament should not be connected with the Pacific Railway to which such a great extent of aid would be afforded. There was nothing in the Pacific Railway Bill that would prevent any number of members of the House being connected with the undertaking, and he could not give his vote for such a proposition as he did not believe the principle to be safe.

The members were called in, and the vote on Mr. Blake's amendment resulted as follows:—Yeas, 55 says, 90.

Mr. BODWELL said the bill of the member for Bothwell had been opposed on the ground that it interfered with the privileges of the people in choosing whom they liked as their representatives, and the same objection must apply to this bill. In addition, the bill could not apply to Ontario on the same grounds as to the Lower Provinces, as the laws of the Provinces were different, and to pass the law would be a cowardly thing as it related to Ontario. He moved in amendment "That the report be not now received, but that it be referred back to the Committee of the Whole for the purpose of providing that the said Bill be based upon the proposition that in those provinces where the members of the Parliament of Canada are prevented from becoming candidates to the Local Legislatures, it is desirable to prevent members of such Local Legislatures from becoming candidates to the House of Commons; and inasmuch as this principle does not apply to the Province of Ontario, to amend the same by excluding Ontario from its operation.

Hon. Mr. TILLEY said that it was not the law in New Brunswick that any gentleman offering for the Dominion Parliament compelled to resign his seat in the Local Legislature.

Hon. Mr. WOOD said that such had been the proposition of the member introducing the bill.

Mr. COSTIGAN contended that the Bill was a general measure not affecting any Province in particular, but that the amendment proposed made an exception in favor of one Province.

Hon. Mr. MACDOUGALL said the intention of the amendment seemed to be that an exception should be made in favor of certain gentlemen in Ontario, enabling them to retain their seats in the House of Commons. When the question was first

raised he had held that the restriction was an unnecessary one on the rights of the people, but as these Provinces had decided in favor of that restriction he thought their decision ought to be respected. As to the charge of cowardice made by the member for West Oxford, if the amendment passed that charge would rest with him and those who supported the motion, who attempted to remove certain gentlemen in Ontario from the consequences of their own agitation. Ontario knew very well why the Ontario Act was made exceptional. Why did hon. gentlemen from Ontario occupy seats in the House to-day if the principle was corrupt? Why did they not resign at once? They did not, but they made their law, prepared with the peculiar ability and skill which the leader of the Ontario Government could so well apply, and they were in the House now, and could again go to the country with all the advantages which their position as Ministers gave them over men like him (Mr. Macdougall) who had not such advantages. (Cheers.) He agreed with the principle of the member for Victoria that it was unfair to allow a member of a Local Government to go to a constituency as a candidate for the Dominion House, and if successful, to retain his position; and if not, to fall back upon his previous office. Ontario would not give hon. gentlemen credit for that purity and honesty which they claimed when they framed their measure, if they now supported the amendment proposed.

Hon. Mr. DORION said the House was carrying the principle further than the Ontario Legislature desired, and in doing so, they were certainly not respecting the Local Legislature. If the House legislated on the subject at all, it ought to legislate for the whole Dominion, and not for a part only; but he should vote for the amendment of the member for South Oxford until the Local Legislature of Ontario acted in the matter.

Hon. Sir JOHN MACDONALD—And that is the logic of the hon. gentleman. He is against dual representation altogether, and yet when three Provinces had acted in accordance with his opinion, he would not support them. The motion of the member for South Oxford could not meet much favor in the House, and it was in direct opposition to the instructions of the House to the committee, which were concurred in. They had the right in discussing these questions, notwithstanding the *dictum* of the member for West Durham, to draw inferences from the action of Provincial Legislatures. This was done every day in respect to proceedings of the

Imperial Parliament, and why they should not with the same propriety discuss or allude to the action of Provincial Legislatures, he could not understand. The hon. gentleman found it very inconvenient, and disliked any allusion to his conduct as a Minister; but the hon. gentleman must remember that as a public man he was public property. That was the only way in which a public man could be judged, and if they did not like it they must alter their course. The most extraordinary thing was that the hon. gentleman should object to any attack on his Ministry. He would ask the House whether during the whole of the administration of John Sandfield Macdonald those hon. gentlemen had not spread throughout the country the cry that he (John Sandfield Macdonald) was the slave of him (John A. Macdonald), and whether on every hustings and in every public place and in the Local and Dominion Houses, they had not brought up again and again the cry that the Ontario Government were subject to his influence, and that John Sandfield Macdonald was at the beck and call of John A. Macdonald; and whether there was not a continuous system of attack in the Local Administration for its supposed connection with the general administration. (Cheers.) This was the universal course taken by hon. gentlemen and to which they now so strongly objected. The hon. gentleman commented in scarcely parliamentary language on a statement he had made, and he concluded by establishing in substance everything he (Sir John) had said. The hon. gentleman admitted what he [Sir John] stated as to the time of bringing down the Orders in Council about the railway grants, and he avoided altogether noticing the fact that, while desiring to drive out of the House everyone connected with the Pacific Railway, he never made any inquiries as to whether members were connected with the railways to which he granted subsidies. When he was asked whether he knew that members were connected with those railways, he and the member for Lambton said they did not know. He [Sir John] never heard such an admission. The hon. gentleman was responsible for seeing that the money which he was scattering broadcast over the Province was given to solvent persons, and yet he did not know who were the managing directors of the companies to which he gave grants. He would ask the hon. gentleman whether Mr. D. D. Calvin did not lay before him as director of the Kingston and Pembroke Railway, a statement in writing claiming a subsidy for that railway on the ground that it had been

promised by the previous Government, and whether it was not signed by Mr. Calvin and by Mr. Robinson, the member. He knew that statement was before the hon. gentleman, and he left it to the House and the country whether there could be any dependence on a man who, whatever his abilities and principles might be, could not remember who the men were to whom he was granting away such large sums of money. If it was so wrong, so contrary to principle that a member of Parliament should hold any position on a railway, why did not the hon. gentleman, as a responsible minister, bound to take care of the public money, deal with one of his own colleagues, and make a bargain with him as managing director of an insurance company. (Loud cheers and laughter.) He could just imagine the discussion between the two gentlemen as to the rate to be paid by the Province, and he gave it as an illustration of how absurd the doctrines of the hon. gentlemen were then put to a logical test. As to the Proton scandal, the hon. gentlemen said he had nothing to do with it, and of course they must receive his assertion; but that also might be a lapse of memory. (Cheers and laughter.) and the report of the Committee certainly condemned the Administration of which he was a member, although by some hocus pocus the consideration of that report was postponed until after the next general election. (Cheers.) If the hon. gentlemen had been desirous of freeing his Administration of the charge made against it, he would have kept the House sitting until he got its decision. The report showed that Mr. Oliver sent a telegram to Mr. Lewis, as Government valuator, for the purpose of his going to the county of Grey, where he went about from door to door, and man to man, telling the voters the result of their voting right. He did not go as a mere election agent, but he went with his original books in his possession after consultation with Mr. McKellar. This was the result of the committee's investigation, and the hon. gentleman was very right to deny that he had anything to do with the matter, and it was a proud thing for him as a gentleman and a man that he was freed personally from any cognizance of such a nefarious transaction, for it was an attempt to corrupt representation at its very source. (Cheers.)

Hon. Mr. BLAKE said the hon. gentleman had not answered him until an hour after he had spoken, apparently taking time to get primed by his supporters.

Hon. Sir JOHN MACDONALD—I could not without breaking the rules of the House.

Hon. Mr. BLAKE said he was still in ig-

Hon. Sir J. A. Macdonald.

norance whether any one gentleman was a member of the board of any of those railways. He was willing to suppose that several gentlemen were promoters of those enterprises, but the bonuses to the railways of Ontario should not be compared with the aid to be granted for the construction of the Pacific Railway by which it was proposed to give to one corporation an amount equal to the whole public debt of the Dominion. With regard to the paper signed by Mr. Calvin and Mr. Robinson, he remembered that paper having been sent by Mr. Calvin, but he did not remember whether Mr. Robinson's name was attached or not. He had received various papers and they had been printed and were before the country. He then referred to the insurance on the Provincial Buildings, and said the rate of premium paid was not more than half that paid when the buildings were previously insured several years ago. He also reviewed the circumstances of the South Grey election. Did he choose so to do, he could mention several cases in which the present Administration of the Dominion had used their patronage, power and influence in elections. The leader of the Government had taken the Hon John Sandfield Macdonald under his protection in order to defeat him, and he could judge of the verdict which the country would record against him.

Hon. Mr. FERGUSON said the member for West Durham had drawn the discussion away to other things altogether. As to the Proton Committee, however, he ought to have said that it was selected by himself and that it investigated a matter which had been already decided by the affidavits of most reliable men. The hon. gentlemen would bear him out in the statement that the Committee showed that Mr. Lewis went to the electors and said "if you do not vote for the Government candidate I shall write opposite your name, satisfied, no reduction; if you vote for the Government candidate you shall have your valuation reduced." The hon. gentleman would not deny that. It was proved beyond doubt that Mr. Lewis was sent for by telegraph, that he was met by the brother-in-law and partner of the hon. gentleman who gave him money to pay his expenses, that Mr. McKellar went to him during the night, and that after getting his lesson he went away and threatened every one at Proton as he had already stated. As to the distribution of the money, it was well known what every railway was going to receive; and as to the hon. gentleman not knowing the members were connected with the railways, he must have known that Mr. Williams, of Hamilton, was director of more than two or three

roads and Mr. Williams told him that he expected to get a portion of the money next year. As to the distribution of the money, the latitude of forty eight hours given by the Minister of Justice was much too great. The papers were laid on the table of the House a few moments before the House adjourned, and they were printed next morning. He (Mr. Ferguson) himself had voted against the grants, because no time was allowed for consideration of the matter. A few evenings ago the same discussion came up, when he took the opportunity to refer to a paper which was passed across the floor of the House from the President of the Council to the member for Brant. That member then charged him with telling a lie, and further that it was a d-d lie. Since that time a paper he held in his hands, the *Hamilton Times* had published a statement of the matter.

At this point there was great cries of "order" and much interruption, after which,

The SPEAKER ruled that the remarks were out of order.

Mr. FERGUSON said he desired to state that he held the document to which he had referred in his hand, which would show that what he had stated was perfectly true.

Hon. Sir JOHN MACDONALD said the Speaker had ruled that the hon. gentleman was out of order and he must bow to that decision; but he also ruled that he could take another opportunity of dealing with the matter; and considering the way in which he had been spoken of, he (Hon. Sir John) thought he would do perfectly right to take such an opportunity.

Mr. FERGUSON repeated that he had the document in his hand, and should take an early opportunity of proving what he had said.

Mr. ROSS (Victoria) said that such debates as were now indulged in were a strong argument against dual representation.

Hon. Sir GEORGE CARTIER said that this business of Ontario was wearing out, and the oftener it was brought forward the sooner it would come to an end [laughter.]

Mr. CUMBERLAND desired to refer to some remarks made by the member for West Durham. That hon. gentleman had spoken of a circular sent by the present Postmaster General when Commissioner of Crown Lands. The hon. gentleman's memory seemed to have failed him very considerably to-night, for whereas he had stated it to be a circular, it was only a private letter.

Hon. Mr. MACKENZIE—Was it a printed document?

Mr. CUMBERLAND—It was not.

Hon. Mr. MACKENZIE said it was a printed document and that he had it there.

Mr. CUMBERLAND said when the hon. gentleman asked him a question with the direct intention of contradicting him, he would like to know beforehand, so that he would know how to meet him. The only printing about the paper was that it had the official heading of the Department, but it was in the handwriting of the Postmaster General or his Secretary. The member for West Durham was very innocent, and said he forgot all about the railway caucus, and told them a very innocent story. He [Mr. Cumberland] was most unwilling to enter on these personal questions, but they were answerable for them who commenced the attacks. The member for West Durham appealed to the House about an innocent youth who did nothing, he said, but charitably lend to Mr. Lewis \$25. The hon. gentleman knew or ought to know that the original telegraph sent to Mr. Lewis emanated from that same person, and he knew or ought to know that when Mr. Lewis came to Toronto he was met there by the same gentleman. The report of the Committee was an exposition of the results of an hon. gentleman in one Parliament decrying and denouncing the report of a Committee of another Parliament of which he was leader, and a report which according to his good will and pleasure would have been blocked for twelve months, but they could there have the opportunity of meeting the hon. gentleman on the question, and every member of the House of Assembly knew that the report was kept back until the last moment and Mr. Cameron was compelled complain. He [Mr. Cumberland] further alluded to the pitch-forking into the asylum at Brantford of a relative of the member for Lambton, and to the fact that upon the appointment of the Royal Canadian Bank as financial agents of Ontario, Messrs. Blake, Kerr & Bethune became solicitors to that institution, and they, the hon. gentleman opposite, should remember these things when they attacked the honour of other public men.

Mr. CRAWFORD—As the Royal Canadian Bank, of which he was President had been alluded to, he desired to make an explanation in justice to the hon. member for West Durham and his colleagues. He denied emphatically the charge that the appointment of the firm of Blake, Kerr & Wells as solicitors, had anything to do with the selection of the Bank as financial agents, and said that in fact it was decided before the present Government in Ontario

came into power that that firm should be selected.

Mr. CUMBERLAND denied that he had any intention of imputing anything that was unfair to the Royal Canadian Bank. His only desire in referring to the subject was to show how careful public men should be in dealing with matters of the kind.

Hon. Mr. BLAKE said that this charge had been made precisely in the way in which it had been made in the Minister of Justice's newspaper, from "facts having no ascertained connection." He stated that since he had entered public life, he had ceased to have anything more than a nominal connection with the firm with which his name was connected.

Mr. BODWELL'S amendment was declared lost on a division.

Mr. GEOFFRION moved in amendment that the report be not now received, but that the said bill be recommitted for the purpose of striking out the words, "if any member of the Provincial Legislature shall, notwithstanding his disqualification in the proceeding section mentioned, receive a majority of votes at any election, such majority shall be thrown away, and it shall be the duty of the returning officer to return the person having the next largest number of votes, providing he be otherwise eligible, which shall give to the returning officer the right to decide on the election of a member of this House." The vote was then taken on the amendment with the following result:—Yeas, 42; nays, 81.

The motion for the second reading of the amendment was then carried, and Mr. COSTIGAN moved the third reading of the bill.

Mr. GEOFFRION moved in amendment "that the bill be not now read a third time, but that the same be recommitted for the purpose of amending the same in such a way as to apply to members of all the Local Legislatures in this Dominion."

The vote resulted as follows:—Yeas, 43; nays, 77.

Mr. MILLS raised a point of order that the House had already, during the present session, decided upon the principle of the amendment just voted upon being in the case of a bill introduced by himself; and read from an English authority to show that the House could not vote twice on the same principle during one session.

After some remarks from Hon. Sir GEORGE CARTIER,

The SPEAKER decided that the principle of the amendment now under discussion and that of the bill introduced by Mr. Mills were quite different, and therefore overruled the point of order.

Mr. Cumberland.

A division being taken on the third reading, the bill was carried, the votes being:—Yeas, 70; nays, 36.

Hon. Mr. BLAKE had previously informed the House, and he would state again, that the bill just passed would not prevent members of the House of Commons from sitting in the Local Legislatures.

The House then adjourned at 1 o'clock.

SENATE.

TUESDAY, 4th June, 1872.

The SPEAKER took the chair at 3 o'clock.

PRIVATE BILLS.

Hon. Mr. DICKSON brought in report of Committee on Standing Orders and Private Bills, and moved that the quorum be reduced to five. Also that the petitions of Boards of Trade of St. Catharines, St. John, Levis, &c., be referred back to the Committee for reconsideration.

These motions were adopted.

SECOND READINGS.

On motion of Hon. Mr. McLELAN a bill with respect to the Halifax Banking Company was read a second time.

On motion of Hon. Mr. BENSON a bill in reference to Dominion Water Works was read a second time.

COPYRIGHTS.

Hon. Mr. CAMPBELL, in moving the second reading of the bill to amend the law with respect to copyrights, expressed his regret that two gentlemen—Hon. Mr. Ryan and Hon. Mr. Sanborn—who had always taken a deep interest in the question were not present. For some time past addresses had been passed in the House with the view of bringing about Imperial legislation on the subject of reprinting British copyrights in this country. Certainly very many persons had been of opinion that the Imperial legislation on this question was an encroachment upon the privileges given to these colonies to enjoy representative institutions to the fullest extent. Several copyright laws had in the course of time passed the Imperial Parliament, and were ultimately made to run into all the colonies. These laws prevented the republication of British copyrights in this country; but subsequently an arrangement was made to allow the importation into this country of American reprints of British copyright works on the payment of

a duty of 12½ per cent; to be distributed among the authors of such works. This system, however, had been proved to operate prejudicially to the interests of Canadian publishers; and an effort had been made for some time past to obtain from the Imperial Government the right to reprint the works in question in this country. When the question was last brought up the hon. member for the Wellington Division (Hon. M. Sanborn) suggested that we might legislate directly on the subject, for he believed we had the power by virtue of the B. N. A. Act and the fact of our enjoying representative Government. He (Mr. C.) in accordance with a promise he made on that occasion, had brought the subject to the notice of the Minister of Justice and his colleagues in the Government, and it was decided to act upon the suggestion of the hon. gentleman just mentioned. The argument defining the position of the Government was stated in the preamble of the Bill—that there was no reservation with respect to copyrights when representative institutions were granted to this country—and that express power was given to the Dominion by the Union Act to legislate upon the subject. Some might say that the power was only given to the Dominion in contra-distinction to the powers given to the Provinces; but nevertheless, he believed the language was broad enough to embrace the power given in the present Bill. It was now proposed to allow Canadian publishers to reprint British copyright works on receipt of a licence from the Government. These works are to be registered with the Minister of Agriculture, and thereupon no foreign reprints of such works are to be allowed to be imported. An excise duty of fifteen per cent on the wholesale price of such works is to be collected and distributed for the advantage of the authors.

Hon. Mr. FERRIER said the Dominion ought not to be placed in reference to such works in a worse position than it is now. A duty of 12½ per cent, was at present collected on the wholesale price of American reprints, but now there was to be an excise duty imposed to the extent of 3 per cent. more.

Hon. Mr. BUREAU was very desirous to encourage home industry, but at the same time he saw danger in a bill which disturbed the relations we at present enjoyed with the United States. More than that, he doubted whether we had the power to legislate on such a subject. The same difficulty might occur that arose in 1837, when the Special Council passed an Act to abolish Habeas Corpus. At that time a very distinguished lawyer, Judge Valliere,

contended that we had no power to over-rule Imperial legislation, and he suffered for expressing that opinion, but he was subsequently proved to be correct. We could not be too careful in dealing with matters of legislation, where we might come into conflict with Imperial authorities. He was in favor of a certain amount of protection to home industry, but there was always a danger that the principle might be pushed to extremes. He had no objection to the imposition of a small duty, but he believed the general principles of the Bill are antagonistic to the public interests. He could not too strongly urge the advisability of cultivating the most friendly relations with the United States, instead of exciting the hostile feelings of the publishing interest of that country. He deprecated any undue haste in dealing with such matters.

Hon. Mr. CHARTERIS pointed out some difficulties in the way of our dealing directly with the question.

Hon. Mr. WILMOT expressed himself desirous of sweeping away our present anomalous system which is so injurious to the interests of the publishers of Canada.

Hon. Mr. CAMPBELL did not suppose there is any reason to apprehend that the passage of the bill will interfere with the relations between Canada and the United States. He did not see any analogy whatever between the present question and the suspension of the Act of Habeas Corpus by the Council in 1837. He did not claim to be acting contrary to Imperial Legislation, but in pursuance of the express authority given to us. At the same time the Government wished to act with all caution, and had therefore inserted a clause declaring that the law shall not go into effect until there is a proclamation of the Governor to that end. The Government, however, hoped and believed the English law officers would come to the same conclusion they had, that Canada had the right to legislate with respect to such matters.

Hon. Mr. BUREAU contended that the case he had cited was directly in point, and again argued we had no jurisdiction in the matter.

The bill was read a second time.

MESSAGE.

A Message was received from His Excellency the Governor General with respect to the receipt in England of the Address expressive of the gratification of Parliament at the recovery of H. R. H. the Prince of Wales.

Several Bills were received from the Commons.

The House then adjourned.

Hon. Mr. Bureau.

HOUSE OF COMMONS.

OTTAWA, June 4, 1872.

The SPEAKER took the chair at 3.35 p. m.

IMPERIAL DESPATCH.

The SPEAKER presented a message from His Excellency the Governor General transmitting a despatch from the Colonial Secretary acknowledging the receipt of an address from the Parliament of Canada, congratulating Her Majesty upon the recovery of the Prince of Wales, and thanking it for the warm expressions of loyalty and sympathy contained in the said address.

SUPPLEMENTARY ESTIMATES.

The SPEAKER also submitted a message from the Governor General transmitting supplementary estimates of sums required for the public services for the year ending 30th June, 1873.

COMMITTEE OF SUPPLY.

On motion of Hon. Sir FRANCIS HINCKS, the House went into committee of supply, Mr. Stephenson in the chair.

Upon the item of \$3,950 for a statistical office at Halifax,

Mr. ANGLIN asked if Mr. Cosgrave, who was employed as census commissioner at Halifax, was the gentleman of the same name who, he saw by the public accounts, had drawn a salary as clerk in one of the departments at Ottawa.

Hon. Mr. POPE did not know but would make enquiry.

The item was passed.

On the item, \$1,850 for salaries of deputy registrars in Nova Scotia and for getting marriage returns,

Hon. Mr. MA' KENZIE asked if it was the intention of the Government to submit any general plan this session for obtaining vital statistics,

Hon. Mr. POPE said it was not, but a general plan was under consideration.

Hon. Mr. MACKENZIE also asked if the Nova Scotia returns were to be printed in the report of the Department.

Hon. Mr. POPE said they would be in a separate report made by Mr. Cosgrave.

Hon. Mr. MACKENZIE said no one ever saw that report, as it was not laid before Parliament. The returns should be embodied in the departmental reports.

Hon. Mr. POPE thought the suggestion a good one, and, if possible, it would be acted upon.

Hon. Mr. WOOD said that for two years successively, when this item had come before the House, the Government had announced that it would take the matter of statistics under consideration, and come down with a general scheme. Two years ago the excuse had been offered that there had not been time to prepare a plan, and last session it had been announced that this partial state of things—returns being collected in Nova Scotia and nowhere else—could not be allowed to continue. The Minister of Justice had made that statement, and had added that the Government had then under consideration a scheme which would be applicable to all the Provinces. It was of the first importance that a proper system of collecting statistics should be adopted. Canada in this respect was behind all other countries, particularly in regard to the collection of vital statistics. He would like to know whether the Government would be prepared next session to come down with a scheme as had been promised.

Hon. Sir JOHN MACDONALD said he certainly had made no promise last session, for he was not present when the supplies were voted.

Hon. Mr. WOOD said it must then have been the session before, for he remembered the very words the hon. gentleman had used—"That this partial state of things cannot be allowed to continue, and the Government will be prepared with a general scheme."

Hon. Sir JOHN MACDONALD said he remembered the discussion, and his remarks might have been in that sense, though he did not recollect the exact words. There was no doubt that the state of affairs with regard to the collection of statistics was unsatisfactory; but he did not see how a satisfactory system could be devised, except at great expense, without some understanding between the Local and General Governments. It was true the General Parliament had power to command the services of all provincial officers and order them to make returns; but he thought it would be extremely inexpedient for them to use that power except under an extraordinary necessity. As a rule, officers appointed by the Local Government should render all their services to those Governments, and the General Government should employ officers of its own to perform whatever duties it required to be executed. That was the case in the United States, and he thought the rule a good one in its general application. The difficulty then in the case was that the General Government had no officers

for the collection of statistics throughout the Dominion; and at the time he had spoken, as referred to by the hon. member for South Brant, there had been on his mind the idea that there should be some arrangement between the Dominion and Provincial Governments, by which there would be a general plan for that purpose, as the hon gentleman had suggested. The Government would perhaps be able in the next Parliament to do something of that kind.

Hon. Mr. HOLTON hoped there was no such fate in store for the country.

Hon. Sir JOHN MACDONALD was afraid the hon. gentleman would have to submit to it.

The item was passed.

On the item \$190,000 for the census,

Hon. Mr. MACKENZIE asked for information.

Hon. Mr. POPE said there had been expended in 1870-71, out of the vote of \$310,000, the sum of \$150,000. The amount so far expended in the current year had been \$250,000. It was estimated the needs of the remainder of the current year would be about \$7,000 more. This latter sum would be applied to the payment of expenses for compiling and printing the reports, and for taking the census in the North-West. This item of \$190,000 was a re-vote of the unexpended balance of last year.

Mr. ANGLIN asked the total expenditure connected with the census.

Hon. Mr. POPE said it would be about \$410,000. Up to this time one third of the compilation had taken place, and it was expected that in about three months the first volume of the report would be in the printer's hands, if not printed.

The item was agreed to.

On the item, \$18,212 for salaries of immigration agents and employes,

Mr. BOLTON hoped the emigration office in London would be placed in a state of greater efficiency.

Hon. Mr. POPE said the agent in London had been instructed to furnish emigrants with all the information he could, regarding the different Provinces of Canada, and while in this country recently he had been supplied with everything that could be procured upon the subject. His salary had been increased, and a more liberal allowance made with regard to expenses. He had also been instructed, if he could do so at a reasonable rate, to furnish a better and more convenient office, which would be more accessible to emigrants, and to which Canadians could resort when in London.

Hon. Mr. YOUNG thought full informa-

tion should be given with regard to the expenditure in this department, for it had lately jumped from a small to a very large amount. The House ought to know how all this money was to be applied, and what benefit the country might be expected to receive from it.

Hon. Mr. POPE explained that they were all special agents appointed for a short period—most of them for six months. The hon. gentleman had said that the item was large. He (Mr. Pope) admitted that, but it had been found that agents of the United States were scattered all over the Old Country, circulating unfavorable reports about Canada and it was necessary to take steps to set Canada in her true light. (Hear, hear.) This could not be done by merely appointing agents to reside in cities and towns, as it was believed they did not reach those people who were desirous of emigrating. While the Government expected a large emigration, it was known that labour was in much greater demand in the old country of late, and that employers of the latter were trying to prevent emigration. These had to be competed with, and the Government had therefore felt that they required a larger vote and more men to the work which the people of the country demanded of them.

Hon. Mr. YOUNG had not intended to find fault. He merely asked for information. He was of opinion that negligence had been shown in the past, and felt inclined to encourage any efforts tending to induce a large emigration. He presumed the policy of the Government was experimental, and he for one felt inclined to allow it to be tried. (Hear, hear.) But he would expect important results from such an increase in the expenditure. He asked to what countries agents had been sent.

Mr. POPE replied that agents had been sent to all the rural districts of England, three to Scotland, and agents to Germany, Belgium, Alsace and Lorraine, Ireland, and the Scandinavian provinces. He might say that, while he had anticipated a smaller emigration this year, he had been informed by his agents that it was to be much larger, and that the emigrants would be of a better class. There had already been an increase over last year. He did not expect the results of this additional expenditure this year. The people had to be educated up to the advantages of the country before any great results could be expected.

Mr. WRIGHT (Ottawa) said the Society which had been formed in Ottawa had been the means of bringing out a better class of emigrants. It had been alluded to as a "coolie arrangement." All he could say

was that, if the coolie arrangement was like this one, it was a very good arrangement. The course adopted by the Minister of Agriculture, in aiding these societies, would be advantageous to the country, and he hoped it would continue.

Mr. BODWELL had no doubt that the steps taken would induce a large emigration. He thought that German emigrants made good settlers or citizens. He had been informed that some fifty or sixty thousand Germans, now at Riga, in Russia, were desirous of coming to Canada, and he asked whether any steps had been taken by the Government to secure them.

Mr. RYAN said the Government deserved credit for their action in the matter of emigration. He believed that, in view of the great public works to be constructed, greater inducements should be held out to emigrants to remain in the country.

Hon. Mr. HOLTON said there could be no doubt that the reason the past efforts of the Government had been unsuccessful was from the loose and desultory manner in which those efforts had been made. He approved of the course of the Minister of Agriculture in asking for a large appropriation, in order to test the possibility of inducing a flow of emigrants into this country. He was not sanguine as to the result; but it was better to make a bold effort. He would only say that getting this large appropriation, he (the Minister of Agriculture) would be held to very rigid account for the results.

Mr. CURRIER, with reference to the society which had been formed in Ottawa, and of which he was President, said that the results of their efforts had been that a large number of emigrants had already arrived. Money was still being sent for the purpose of assisting emigrants, and an agreement was made that the amount advanced should be repaid by instalments.

Hon. Mr. POPE in answer to the hon. member for Bothwell, said that the Government had been in correspondence with the Colonial Secretary on the subject of the sixty or eighty thousand menonites who wished to emigrate to this country. The Government had informed them that, in order to satisfy themselves, if they would send out one or two of their number to see the country, the Government would pay their expenses. Every information had also been conveyed to them, and in answer to a question from them they had been informed that they would be exempt from military duty.

Mr. ANGLIN, in making the remark about the coolie system the other day, had no intention of reflecting upon the system adopted by the society organized in Ot

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tawa. He thought that society a good one and regretted there were not more of them. He had stated his opinion that, under the bill brought down by the Minister of Agriculture, providing for advances to be made to emigrants under agreement to work off those advances in this country, it would place them in an exceptional position as regards the rest of the community. He had described the bill very properly as establishing a coolie system.

Hon. Mr. POPE denied that it was anything of the kind. The bill merely provided that a man could be engaged abroad for certain work, and an advance be made to him on certain conditions, and when he arrived he hired here. He would be under the protection of the same laws, and it was absurd to call it a coolie system. All the agents had reported that it was necessary some means should be devised of assisting emigrants. This was one mode of doing so, and in his opinion a very proper one.

Mr. CURRIER said that when men engaged here for lumbering operations they were bound to carry out the agreement made, and he did not see why a similar system should not be adopted with regard to emigrants coming from the old country.

The item was then passed.

On the item for quarantine at St. John, N.B.

Hon. Mr. MACKENZIE asked why there was a difference in the salaries of the physicians at St. John and Halifax.

Hon. Mr. POPE was not aware of the reason, but would find out.

Mr. ANGLIN said that at St. John it was necessary for the physician to reside on the island, and no one could be got to do the work for a smaller salary.

Hon. Mr. MACKENZIE did not see the necessity for his residing on the island. The physician at Halifax did not do so.

Mr. ANGLIN said the quarantine establishment was there, and it was necessary. He, however, considered the allowance for boat service excessive. It did not cost one third of the amount, and was only an excuse for supplementing the salary.

Hon. Col. GRAY maintained that residence on the island was necessary. As to the boat service, the amount was not excessive, as owing to the rapidity of trade, it was necessary to have more persons employed than at ordinary places.

Hon. Mr. TILLEY said it was rather a luxury to have a discussion arise, showing that New Brunswick received more than Nova Scotia. The reverse was usually the case (laughter). The salary was not excessive, and he did not think that the amount for boat service was too large. It was ne-

cessary, he thought, to employ two boatmen, and they had frequently to go out three or four miles to board vessels.

The item was carried.

On the item to meet expenses of further precautionary measures for the public health,

Hon. Mr. POPE said, in view of the possibility of cholera, this amount had been put in the estimates; but if the money was not wanted not a dollar would be used.—Carried.

On the item for grants in aid of the Provinces towards encouraging emigrants,

Hon. Mr. YOUNG wished to know how the amount was to be divided among the different Provinces.

Hon. Sir FRANCIS HINCKS said this matter had been determined on at a conference held at Ottawa, at which all the Provinces of the Dominion were represented, and it was determined to divide the \$70,000 as follows:—\$25,000 to Ontario; \$20,000 to Quebec; \$10,000 each to Nova Scotia and New Brunswick; and \$5,000 to Manitoba.

Mr. ANGLIN charged the Government of New Brunswick with using the money voted to aid emigration for political purposes, in that they made overtures to Mr. Gough, the leader of the Opposition, to accept the emigration agency, telling him he was the best man they could get, and he having declined, the agency was offered to his father-in-law, Mr. Macpherson, a gentleman in reduced circumstances, who was compelled to accept the office, and went to England, but, to the surprise of many, he returned in time to take his seat in the Legislature. His expenses were of course paid by the Province, but no one could say that he had done any good by his mission.

Hon. Sir FRANCIS HINCKS said it was understood that the Government of New Brunswick should receive \$10,000 on condition that they would give an equal sum to promote emigration.

Mr. SMITH (Westmoreland) thought it ungenerous and unkind of the hon. gentleman to make charges against the Local Government when none of them were in the House to defend themselves. Mr. Macpherson, to whom reference had been made, was not a man capable of being bought off, nor was he reduced to poverty as stated. He [Mr. Smith] had no doubt that he went to England for the remuneration; but he was a public man, and had represented the people for many years, and returned to his country and voted in the Legislature against the Government that had sent him there.

not be said that that man had been bought.

Hon. Sir FRANCIS HINCKS was sure that the Emigration Conference had benefited the best interests of each and every Province in respect to emigration.

Mr. BOLTON agreed with the remarks of the member for Westmoreland. He happened to be in the Legislature when the emigration agent returned, and a member of the Government challenged him to state, if he could, that he had been influenced by the Government, and in his place in the House, he [Mr. Macpherson] stated that he had not been influenced or approached in any way by any member of the Government.

Mr. ANGLIN called the attention of the House to a speech made by him last session, in which he denounced the appointment of a member of the Legislature as a census commissioner, the appointment being cancelled before the meeting of the Local House.

Hon. Mr. CHAVEAU corroborated the statement of the Minister of Finance, that the Emigration Conference had been beneficial to the provinces. It was agreed that a subsidy should be placed at their disposal by the Federal Government to enable them to enter with more energy into the matter. He thought the little squabble just indulged in by the members from New Brunswick was excusable after the fight by Ontario the previous night; but he warned the House that if Provincial matters were to be so generally discussed Quebec would claim a debate, which he promised them would last three evenings, and be conducted wholly in French.

Hon. Mr. WOOD argued from a constitutional point of view, maintaining that the Legislatures of the Provinces would be reduced to mere County Councils if the present course were continued, and advocating leaving the question of emigration to be dealt with by each Province.

Hon. Mr. YOUNG said the vote was practically increasing the subsidies of the Provinces, and might be made a precedent which might be abused in the future. He hoped such a vote would not be asked another year.

Mr. MILLS concurred in the remarks of the member for Brant in regard to the constitution and the rights of the Provinces.

Mr. PICARD regretted that the matter had been brought up. As regards Mr. Gough, he had settled that matter by a letter over his own signature, to the satisfaction of nineteen twentieths of the whole population of New Brunswick, and his last letter still remained unanswered. He be-

lieved then, and believed now, that a better man for an emigrant agent than Mr. Gough was not to be found in the Dominion. He knew Mr. Macpherson well and knew him to be above being bribed.

The item was then carried.

On the item for assisting in meeting the expenses of emigrants,

Mr. ANGLIN asked for some explanation.

Hon. Mr. POPE said there was considerable expenditure in this country for railway fares and food, and then the cost of advertising and printing, and distributing, information was heavy, and he had estimated \$10,000 under that heading. Passenger companies in Great Britain were in the habit of receiving Commissions from the Grand Trunk and American Railway companies, to induce emigrants to go as far as they can over their roads, and he hoped to counteract that, at least to a certain extent, for which he had estimated \$10,000. The balance was to assist emigrants in paying their passage and other expenses. He felt the responsibility, and would not spend the money if it were not required. There were strong influences against immigration from home this year; but still they were told that something could be done if they would assist pecuniarily.

Hon. Mr. MACKENZIE said the House would support no item more cheerfully than this. There were many difficulties in the matter, and he did not desire to be too exacting in pressing for particulars as to how the money would be spent. He hoped that, from the expenditure proposed by the Provincial and Dominion Governments, a large emigration would result. He gave his earnest support to the item.

Mr. CARTWRIGHT asked Mr. Pope whether he had given attention to emigration from Norway and Germany. A very valuable emigration for the North-West might be attracted from these countries.

Hon. Mr. POPE said there were agents there, and there would be a large number of emigrants from these countries. The fares from them would be reduced as from Ireland, and emigrants would receive free land grants in the North-West.

Mr. BOLTON thought the emigration office at London inefficient, and asked whether the Local or Dominion Governments supplied information to that office. A short time ago he was in London and found that the office was altogether without proper information respecting Canada. He was told that it was understood that the Deputy Minister of Agriculture was

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averse to emigration, and if it was not correct the impression ought to be removed. He thought it very important that proper information should be supplied.

Hon. Mr. POPE said the office had been supplied with some millions of pamphlets, and another would shortly be sent for the North West, and the London agent had instructions to distribute those pamphlets as far and widely as possible.

Mr. OLIVER asked whether the Minister of Agriculture intended to assist Miss Rye and Miss McPherson.

Hon. Mr. POPE said the Local Government were doing so.

The item was passed.

On the items connected with the Inter-colonial,

Hon. Mr. LANGEVIN said it was intended to have a branch line to Father Point, where there would be piers constructed, so that steamships from Europe might there land their passengers and baggage and emigrants and mails, so that they could there be distributed east and west. Engineers had carefully examined the different places on the Lower St. Lawrence, and reported that Father Point was by far the best for the purpose. There was deeper water and less work would be necessary in making piers and basins.

Mr. JOLY hoped the Government would ascertain definitely the best point. A great amount had already been spent on different points on the Lower St. Lawrence, amounting to over \$1,000,000, while the revenue was comparatively small. The wharves were built in the best possible manner, but could scarcely be used at low water, and therefore, recognizing the necessity of the matter, he hoped the only subject would be to choose the best point for the purpose.

Hon. Mr. LANGEVIN said the intended work was for summer navigation and not for winter accommodation. The Government were paying every attention to the matter, and fully recognized the necessity of having the best point for a harbor, which if possible, could be reached all the year round. They had not sufficient information to enable them to decide.

Mr. THOMPSON referred to the item for engines, and asked whether it was for new or second-hand engines.

Hon. Mr. LANGEVIN said it was for new engines.

Mr. ANGLIN asked whether rails were being supplied as rapidly as required.

Hon. Mr. LANGEVIN replied in the affirmative, and said the standing of the contractors was such that they would not fail to carry out the undertaking.

The Committee rose and reported the resolutions adopted.

It being six o'clock the House rose.

AFTER RECESS.

CANAL IMPROVEMENT.

Hon. Mr. LANGEVIN rose to move the House into committee on certain resolutions in relation to the enlargement of the Dominion Canals. He said that, when Confederation was initiated, it was agreed among the four Provinces that, when the finances permitted, the Government would propose canal enlargement. The Government thought that the time had arrived, and that Parliament might be asked to undertake these large works. The position of the country required that these works should be undertaken. The population of Canada, which in 1851 was 2,320,000, had now reached 3,500,000. This large increase had been accompanied by a corresponding increase in the trade of the country. The exports, which during the first year of Confederation, 1867-68 were \$55,500,000, had, in the following year increased to \$60,000,000; in 1869, to \$73,000,000, and were now \$74,173,000. On the other hand, the imports, which in the first year of confederation were \$73,500,000, had increased in 1871 to \$96,000,000. The revenue of the country too, which in the first year of Confederation was \$13,687,000, in the second year, \$18,200,000, and in the third year, \$15,500,000, had increased in 1870-71 to \$19,300,000. This large increase in the imports and exports, and in the revenue of the country, showed the progress that had been made since the union five years ago. Besides, the territory comprised in the limits of the confederation of 1867, had now been extended so as not only to embrace the Province of Manitoba and the North-West, but also a country reaching the shores of the Pacific. This large territory, he confidently expected, would by its wealth and the richness of a large portion of its soil, and immense resources, attract a large emigration, and thus largely contribute to the revenue of the Dominion. The population thus created would necessarily cause a great trade to spring up, a large portion of which must flow to the east, and thus form another reason for the enlargement of our canals. If we turned our eyes in another way, and looked at the manufacturing resources of the country, we should see that, on all sides, there was prosperity, that all the Provinces were rapidly developing their resources, and that new lines of railway were extending in every direction and opening up new territory.

But we had beyond our own border what was called the Far West, the trade of which must to a great extent, find its outlet through the Dominion to the Atlantic Ocean. The Canal Commissioners last year, speaking in their report on this subject had said: "In the year 1841, just thirty years ago, the gross value of the trade of the lakes was estimated at \$65,000,000. Ten years later it had more than quadrupled, for it was put down in 1851 at \$300,000,000, employing 74,000 tons of steam and 138,000 tons of sailing vessels; whilst at the present time the aggregate value of this same commerce cannot be less than \$700,000,000. The tonnage of the lakes in 1851 was, as already stated, not above 212,000, whereas in 1861 it had risen to 450,000 tons, of which above 80,000 tons was Canadian. In 1864 the tonnage was about 547,267, valued at \$17,537,440 in American Currency. He read this paragraph to show the immense trade of the lakes, even if we confined ourselves only to the States of Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin and Minnesota. The quantity of wheat grown in these States had risen between the years 1850 and 1860 from 43,000,000 bushels to 150,000,000; of corn from 220,000,000 to 526,000,000; and of oats from 420,000 to 146,000,000 bushels. These figures showed what an immense produce there was to be moved to the seaboard. What an immense trade there would be if we only did our share to direct it through this country. It was necessary to secure that trade if we wished to maintain our importance as a state on this continent, and if we wished to obtain the same advantages from it that the United States had been reaping for a number of years. It was true that the St. Lawrence was a magnificent river, but that river could not carry the trade of the West unless we improved our canals. We knew full well that these canals were too small to allow of the passage of large vessels. We knew also that in the Erie Canal, in the Mississippi, and in the railways of the United States we had powerful rivals to the traffic, and unless we did what nature required us to do we must see trade which should pass through this country continue in channels which were not natural channels of trade. What the Americans were doing with regard to the Erie Canal showed how anxious they were to keep the trade of the West. Not longer than two years ago they had reduced the tolls fifty per cent., and it was only quite recently that the Legislature of the State of New York had offered a premium of \$10,000 for the best mode that could be suggested for steam power on that canal, in order there-

by to facilitate the transshipment of goods. The dimensions of the locks on the Erie Canal were 110 feet by 18 feet, the depth of water being seven feet. If these figures were compared with the dimensions of the proposed locks on our canals, 270 feet by 45 feet, with an extra depth of water of 12 feet, it would be seen that the improvement would revolutionize trade, and make the St. Lawrence what the father of one of his hon. colleagues had said it was destined to be—the great highway of this continent. Perhaps they would bear with him if he laid before them a few facts showing the magnitude and growth of the trade on the lakes. He had caused a number of statistics to be compiled for this purpose, and he had consulted the best authorities in order that he might be able to lay before the House reliable figures. At the five western lake ports of Chicago, Milwaukee, Toledo, Detroit and Cleveland, in 1871, the receipts of flour, reduced to grain, were 141,000,000 bushels; the receipts by lake, not by railway, at Buffalo were, in 1871, 67,000,000; whilst the quantity that had passed through at Port Colborne was 225,000,000. These figures showed the magnitude of the trade. Let him now look at the growth of it at Buffalo, Oswego, and Montreal.

At Buffalo the receipts were, in 1860, 470,000,000 bushels; in 1865, 51,000,000; in 1869 it was 45,000,000 bushels; and in 1871, 63,000,000. At Oswego the receipts were—in 1860, 70,000,000; in 1865, 12,000,000; in 1869, 30,000,000; and in 1871, 14,250,000. At Montreal the receipts were:—in 1860, 6,750,000; in 1865, 8,000,000; in 1869, 12,300,000; in 1871, 16,000,000. These figures show that the trade at Montreal had been constantly increasing, the proportion of increase being much larger than at Buffalo. He did not take Oswego in the comparison, because at that port there had been a large decrease. They shewed too that the St. Lawrence was, year by year, more appreciated, and that the trade of the west had only to be fostered and encouraged by giving to large lake vessels the means of transferring grain to ships at Montreal, in order to divert a large portion of the trade into this route. The receipts of grain at the five lake ports he had mentioned, for the last four years were as follows:—In 1868, 109,000,000 bushels; in 1869, 118,000,000, in 1870, 111,000,000, and in 1871, 141,000,000, making an increase in three years of about forty per cent. After showing the magnitude of the trade, it was proper that he should point out the profits earned by the carriers. The total receipts for freights on the New York canals for the last thirty

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five years amounted to \$227,000,000; the total freight to carriers for the same period amounted to \$122,000,000, shewing a balance of profit in favour of the State of \$10,500,000. The total tolls and freights on the State canals in 1871 were \$10,750,000, of which not less than \$7,600,000 went into the pockets of the carriers. These figures told their own tale; but the effect would be more striking when the revenue was compared with the cost of constructing the canals. The Erie Canal had not only repaid its first cost and all the subsequent outlay upon it, but it had nearly paid for all the other State canals besides those which New York had now, about 900 miles, costing over \$100,000,000. One reason why the Erie Canal had an advantage over us was, that the large vessels employed on the lake could carry a much larger cargo to the western terminus of the canal, where rapid means of transhipment made up for loss of time caused by the length of the canal. These large vessels, which were admitted on all hands to be able to carry four times as much as the smaller vessels that passed through our canals, did not cost for their maintenance anything like a sum proportionate to their size, and they required hardly more to run than the smaller vessels, and the cost being so little, and divided on a larger cargo, the trade must necessarily be carried on with a larger profit. A single inducement was, therefore, given to carry the trade through the American route instead of the Welland Canal and the St. Lawrence. Let us enlarge our canals and the result would be quite different. He wished now to read a few short extracts to show the American opinion on this subject of the enlargement of our canals. They fully appreciated its importance and the effect it would have upon their trade. The House would remember that a ship canal around Niagara Falls, to be a rival of the Welland Canal, had been spoken of more than once, but it had never been realized, and if he could put faith in public documents published in the United States, the reason of the failure of that great undertaking was, that they believed that the building of the canal would necessarily deviate the trade from the American canals into the St. Lawrence by way of Montreal. He read extracts upon this point from the "memo-rial as to the proposed Niagara Ship Canal, the course of commerce on the lake, &c.," in which the danger to the trade of the New York canals was dwelt upon in case the Niagara Ship Canal should be built, or the Canadian canals enlarged. He then proceeded to give some particulars respecting the trade of the Welland Canal.

In 1870 the tonnage of steamers passing through the canal was 264,000 tons, and in 1871, 396,000 tons, and the tonnage of sailing vessels in 1870, 408,000 tons and in 1871 355,000. This showed that the tendency was to replace sailing vessels by steamers. In the total tonnage, however, it would be seen that in 1871 they were 80,000 tons more than in the year previous. Taking the tonnage of vessels and goods together he found that in 1849 it amounted to 820,000 tons; in 1869, twenty years later, it was 2,500,000, while in the same space of time the trade increased twenty per cent. Confining themselves to the trade from the West, the number of tons in 1870 was 867,000, and in 1871, 962,000, shewing an increase of 100,000 tons. At the same time he desired to correct an erroneous impression which existed about the tonnage of American vessels, as compared with that of Canadian vessels going through the Welland Canal. It has been stated that the average Canadian tonnage was 424 tons, and the average American 392 tons. He referred to steamers only. During the last four years the number of vessels that had passed through the Welland Canal had been as follows:—1868, 6,157; 1869, 6,159; 1870, 6,740, 1871, 7,729. During these years the tonnage was:—In 1868, 1,148,000; 1869, 1,267,000; 1870, 1,367,000; 1871, 1,554,000. It would be thus seen that the trade was increasing rapidly; but the canal was too narrow, not deep enough, and too small in every way, and it must be enlarged. The motion he had to propose, and which was in the hands of the hon. member, applied to the Welland Canal, the St. Lawrence Canal and the Bay Verte Canal. The intention was to give the Welland Canal the dimensions recommended by the Canal Commissioners, the locks would 270 feet in length, forty five feet in depth, with twelve feet of water on the sills. As to the St. Lawrence Canal, the Government intended to give them the same dimensions, but there might be difficulties in the matter, and he could not say positively that twelve feet of water could be obtained without a much larger expenditure than the House might wish; but the question was being enquired into, and in any case ten and a half feet would be obtained, and he hoped proper examination would show that the St. Lawrence canals could have the same dimensions as the Welland. The dimensions of the Bay Verte Canal would not be the same. It was proposed that in the case of that canal the locks should be 270 feet by forty, with fifteen feet of water. Questions as to the different canals would come up separately when the votes were asked, and he had no

doubt the House should be satisfied, from the explanations he would be able to give, that the undertaking would be prosecuted with vigor, without loss of time, and without endangering the finances of the country. He then moved the House into Committee to consider the resolutions, and stated that he had His Excellency's consent to his doing so. The hon. gentleman was cheered on taking his seat.

Hon Mr. MACKENZIE asked whether it was the intention to provide for the trade being conducted by barges towed from the western lakes to Montreal?

Hon Mr. LANGEVIN repeated that the Welland Canal would be enlarged to the dimensions recommended by the Canal Commissioners, and that the Government intended to do the same for the St. Lawrence Canals, but they could not pledge themselves to give immediately the full amount of twelve feet of water in the St. Lawrence canals, because they were not sure that such a depth could be obtained without a larger expenditure than the House would sanction, but they would promise that ten and a half feet would be obtained.

Hon. Mr. MACKENZIE said the conclusion had been growing in his mind that it was next to impossible to make it a profitable business to take large vessels down the St. Lawrence, and more so to take them up. It was very fine to speak of bringing ships from Europe to the farthest end of the lakes; but while it might be possible to do so, he did not think it would pay. He thought the proper course would be to make the Welland Canal available for large barges, in which the great bulk of the trade would be done in the future, with a transshipment at Kingston and another at Montreal. He believed the business would be done more cheaply in that way, and the grain would be benefited by the transshipment. He believed it would be very difficult to get twelve feet of water in the St. Lawrence; it would be almost impossible to obtain that depth of water in the lake harbours until the Government undertook the very serious business of incurring a large expenditure in order to obtain that depth of water. He could not but think that the width proposed for the locks, forty-five feet, was rather small, and that it should be made fifty-five feet. He referred to the American canal at Sault Ste. Marie, the breadth of the locks there being seventy feet, and said it afforded great facilities to have the locks of such dimensions; and it was a question whether it was not desirable to make the Welland Canal where they might have locks of such a breadth as to allow

more than one vessel to pass at a time; for if that could be done a larger business could be done at a smaller cost. He did not pretend to have studied the matter technically, but the question ought to be very carefully considered. The works would be profitable, not so much from the amount of tolls as from the inducement to merchants to invest largely in vessels engaged in the carrying trade in bulk from Chicago to Montreal, and as promoting a vast traffic by the St. Lawrence that would enable them not only to carry a vast proportion of the trade of the West to the Atlantic, but also to carry a great portion of the merchandise for Chicago and other Western cities from Europe. In order to accomplish these objects effectually and in order to avoid the blunders which were committed in earlier days when Canada did not anticipate the traffic of the West, it would be a pity indeed that they should again commence the enlargement of the canals, and do it on a scale not commensurate with the trade proposed to be accommodated for many years to come. With regard to the St. Lawrence, he had been informed that in some parts of the rapids there was only a depth of five or six feet. The water was, no doubt, unusually low, but if his information was correct in that respect, and also in respect of the nature of the entrance to the Beauharnois canal, an immense amount of submarine blasting would be necessary to obtain even 11½ feet. He scarcely thought it either advisable or possible to obtain the same depth of water and the same accommodation for large vessels in the St. Lawrence canals as would be obtained in the western waters, but the matter could be fully discussed, and with the opinion of the engineers of the department and other scientific men, they would be able to come to some conclusion that would enable them to adopt such measures as would prevent anything like regrets in the future. He was disposed to give every assistance in regard to these great national works, believing that the prosperity of the country very much depended on them; but they must remember that they were doing it to accommodate the trade of the Americans, and to give them facilities in reaching the sea, that they had not and could not have on their own territory. They could, of course, have a canal round the Niagara Falls, but there was no fear of their making it as long as the State of New York was interested in the canal from Buffalo to Albany.

Mr. SHANLY considered it to be of the highest importance to make the Welland Canal sufficiently large to accommodate

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large vessels and remove the only barrier that lay between the two lakes. He was not, however, in favour of the proposed enlargement of the St. Lawrence Canal. Transshipment would always take place at some point at the foot of Lake Ontario, as it would be found that the river work would be done more cheaply by barges than by steamers. He was fully satisfied that the St. Lawrence canals, as they now were, could do in time the barge work that they had hitherto done. He believed that those who advocated the deepening of those canals to twelve feet had no idea of the cost of such a project. We would not only have to enlarge those canals but large stretches of the river would have to be deepened and the cost would be larger than most persons had any idea of. He, therefore, thought that the enlargement of the Welland Canal should be first proceeded with, deferring the St. Lawrence canals until we saw how much trade it would bring through them. With regard to the dimensions of the locks recommended by the Canal Commission, he also agreed with the member for Lambton, to a certain extent, only he thought that a width of fifty feet would be sufficient. He did not approve of the system of locking two vessels at the same time; he would rather look forward to the time when double locks could be constructed to accommodate vessels ascending and descending on the same plan as on the Erie Canal in New York. He concurred in the general features of the report. He would go as far as to say that the Welland Canal ought to be deepened to 13 feet: at all events it ought to be placed in a position to receive the largest vessels that leave the harbour of Chicago. He believed that the present low state of water in the St. Lawrence was exceptional, and that a depth of nine feet in the canals could generally be relied upon.

Mr. JONES (Leeds and Grenville) said this question had long occupied the attention of the people of this country, and various attempts had been made to arrange some satisfactory system. Attempts had been made to secure reciprocity from the United States with regard to the enlargement of the Canals, but they had failed. The enlargement would be some advantage to the commercial and business men of the country, but would be of no advantage to the great agricultural classes. It would be chiefly for the benefit of the western states, and while we were shut out from the American market the produce of the western states would be brought into competition with the products of our own farmers into the European

market, the only market open to them. We ought to pause, therefore, before incurring a large expenditure for enlarging the canals chiefly for the benefit of the people of the United States. Our canals were quite sufficient for our own people.

Mr. WORKMAN said although he would have desired that this measure had been brought up earlier, he was glad to find that the Government had adopted large and extensive views. At the same time he agreed to a considerable extent with the remarks of the hon. member for Grenville. He believed that the enlargement of the Welland Canal should first engage the attention of the Government. The St. Lawrence canals were sufficient for all the business done upon them. The trade was now done principally in barges drawing about eight feet of water, and one small steamer could take four or six of these barges at once. The transshipment of grain into these barges at Kingston and other ports greatly improved it. Our route had a great advantage in this respect over the river route, as from the length of the latter route and the warmth of the water in the canal the grain was injured. The transshipment of the grain and its passage through our cool waters kept the grain in good condition. By the enlargement of the Welland Canal he thought we should secure the whole carrying trade of the North-West. As to the Bay Verte Canal, he had been informed that its construction would involve an expenditure of ten or twelve millions of dollars, and that it was almost an engineering impossibility. It was an important work and he would not object to its construction if it were feasible, and could be done for a reasonable amount, but if it was only throwing so much money into a mud hole, the expenditure could not be justified, and he thought the Government should be very cautious and not rush into it without due consideration.

Dr. GRANT spoke of the great importance of the question, and referred to the high position of Great Britain as being in consequence partly, of the magnitude of her harbours bringing her in contact with the outside world. He spoke of the growth of New York, Quebec, Montreal and Ottawa as being attributable to their position on rivers. He believed that those who occupied seats on the Ministerial benches had the advancement of the country at heart and the placing of the canals on such a basis as would ensure the commercial prosperity of the country. He referred to the Treaty of Washington, and said he believed all barriers and restrictions on trade would be broken down. He referred to the increase of population throughout

the provinces, and hoped that Nova Scotia would be able to send up her coal and fish, and take down fabrics and grain in return. The canal system of the Dominion only dated back for some fifty years, and what had been accomplished was creditable to the country. He scarcely believed in opinions that had been eloquently expressed that vessels would come from Europe and be able to ascend to the lakes, as the barge system had now been introduced. He regretted that the River Ottawa had not received a greater share of attention at the hands of the Canal Commissioners, as he was quite sure it would ultimately become a great source of revenue from trade, and every value be reduced to meet the growing requirements of the country. As to the Bay Verte Canal, he believed its construction would be of the greatest possible advantage in building up commercial connection between the different Provinces. He thought they should endeavor by every means to develop the resources of the several Provinces. The enlargement of the Welland Canal would no doubt be a great advantage to the Americans, and he trusted they would look at it in that way, and that there would soon be Reciprocity again. He believed the Washington Treaty had got in the small end of the wedge, and he believed the men who had accomplished the treaty would also accomplish reciprocity.

Mr. STREET said the Minister of Public Works had not made any specific proposition, but merely asked the House if it was desirable that the canals should be enlarged. They had already had various opinions as to the best mode of carrying their produce to the sea, but he had no doubt the Government would be fully advised before proceeding with the work. All agreed that the waters of Lake Erie and Lake Ontario should be united, and in order to accomplish that the Welland Canal should be enlarged. It had been said that the enlargement of the Canadian canals would be to the benefit of Americans and enable them to compete in the English market, but the object should be to make the canals valuable and profitable. The Americans could get their produce to Liverpool without the use of our canals, and so long as Liverpool was the best market, they would send their produce there whether through Canada or not. A most important matter was the size of the locks, and he hoped the Government would give that matter their most earnest consideration. He was glad to find that they had taken the substantial step of coming down to the House and asking if it was desirable

that the canals should be enlarged. He would leave the matter in the hands of the Government to proceed with on obtaining competent engineering advice.

Mr. MERRITT congratulated the ministry on being in a position to announce their policy in reference to the canals. If the Welland Canal were enlarged to admit vessels now trading to Buffalo a large portion of the trade now done at that place would pass through the Welland Canal to Montreal. He instanced a case of a vessel built by himself, which would only carry 3,500 barrels of flour, whereas if the canals were deepened two feet the same vessel would carry 7,000 barrels. He thought the Government had wisely decided as to the size of the locks, and hoped they would push the work forward.

Mr. MASSON (Soulanges), had been one of the first to advocate the enlargement of canals, and was pleased with the manner in which the Government had taken the matter in hand. He referred specially to the report of the Canal Commissioners in regard to the Beauharnois Canal, and argued that it would be cheaper to build a new canal on the north shore than to enlarge the canal, owing to the engineering difficulties to be encountered.

Mr. ROSS (Dundas) said, as it was generally conceded that the Welland Canal should be enlarged, so as to accommodate the trade of the West, it became necessary for us to make perfect facilities for the conduct of that trade to the seaboard. He had been informed by forwarders that our locks had sufficient width, but lacked length; what they desired was a capacity of lock sufficient to take a vessel with 40,000 bushels of grain. He thought that a depth of ten feet would be sufficient, with a length of 270 feet.

Mr. RYAN desired to correct the statement of the hon. member for Lincoln when he said he was at a loss to know why the member for Montreal opposed the deepening of the canals. He was not opposed to it. The trade of the West was increasing; and if we afforded the necessary facilities there would be no limit to it. The Government deserved great credit for their scheme, which he was sure would meet with the approval of the people both east and west. If the scheme were carried out, he thought the trade would increase to fifty millions of bushels in ten years. As to the Bay Verte canal, if the Government found that it was practicable he was sure they would receive the support of the country in constructing a work of so much importance to the Dominion.

Mr. McCALLUM thought that the width of 45 feet to the locks would be found

Dr. Grant.

amply sufficient. At the same time if the Government thought proper to make them wider it would add but little to the expense, but to construct them so as to lock three or four vessels at a time, would not be beneficial. A depth of ten feet, he contended, would accommodate any vessel navigating the inland waters of this country. He advocated the construction of additional elevators at Kingston. The want of such additional accommodation and the lowness of the water last year, had materially reduced the business of the Welland Canal. He was glad that the hon. member for Lincoln agreed with him that steam vessels were superseding sailing vessels on the lakes. He (Mr. McCallum) had no doubt that in a few years the trade would be conducted altogether by steam vessels with barges in tow. As to the Welland Canal there would be no difficulty in getting twelve feet of water. He took exception to the report of the officer who was sent by the Board or Works, contending that the cost of the rock cutting at Port Colborne harbour would be much greater, and the time required to perform the work much longer than as stated in the reports. He pointed out that it would save both time and money if instead of enlarging Port Colborne end of the Canal the feeder to Port Maitland were made use of as the main channel. He trusted the Government would take this matter into consideration and have further surveys made before a final conclusion was determined upon. The same engineer whose report he held in his hand, had recommended the construction of a breakwater at the east side of Port Colborne harbour, 2,000 feet long. The prevailing winds, however, were from the west during the season of navigation, and instead of a breakwater at that point being of any real service, it would seem to be a catch water, and would destroy the harbour. If the Government should undertake to make a large expenditure for the improvement of Port Colborne harbour, even if a million were spent on the work. He believed it would be money in a great measure thrown away. He hoped the Government would not, therefore, act in this matter without making further inquiry, for the result of making a large expenditure on that point would be only to show that a serious mistake had been made. He warned the Government now in time, and trusted heed would be given to the warning.

The House then went into committee, Mr. SCHATCHARD in the chair. The resolutions were adopted without amendment, and the committee and reported.

Hon. Mr. MACKENZIE hood the hon. gentleman intended to give some further information in regard to the Bay Verte Canal before proceeding further.

Hon. Mr. LANGEVIN said it would be more convenient to the House if he gave full details when the item of Supply came up for consideration.

Hon. Mr. MACKENZIE assented.

The resolutions were then read a first and second time.

SUPPLY.

On the motion of Sir GEORGE CARTIER the House again went into Committee of Supply upon the understanding that if the House was thin no items should be pressed, to which there was no objection—Mr. Stephenson in the chair.

On the item of \$14,000 to aid in the construction of a branch railway from the Acadian Iron Mines, Londonderry, Nova Scotia, to the Intercolonial Railway,

Mr. LANGEVIN read an Order in Council that had been passed upon the subject, showing that the Government had imposed very stringent conditions on the Mining Company which was to construct the foundation of the road, the Government providing the rails, ballast and spikes, and undertaking to work the road when completed.

The item was passed.

On the item \$200,000 for improvement of the River St. Lawrence between Montreal and Quebec,

Mr. MACKENZIE asked if it was the intention, as he saw by a notice in the papers, to levy a tax to meet that expenditure?

Mr. LANGEVIN said the Minister of Finance had given notice to that effect.

The item was passed.

On the item \$110,600 for North Shore Railway,

Mr. BOLTON said that it was extraordinary this road should cost \$100,000 every year over and above its earnings. The working expenses amounted to 99 per cent. of the receipts, a percentage unexampled on any railway in the world. Its gross earnings were \$400,000 and yet all that had been spent and \$100,000 more.

Mr. COFFIN did not understand how these railways should cost more every year to run and keep them in order than the receipts. From the fact that it had so greatly discouraged railway enterprise in Nova Scotia, he believed the Government should increase the tariff of charges in order to bring the income up to the expenditure.

Mr. BODWELL thought it would be better to sell them for what they would fetch

altogether to any company that would buy them

Hon. Mr. LANGEVIN said that the line from Halifax to Truro was a portion of the Intercolonial, and he did not suppose the hon gentleman would propose to sell that. There was no doubt that when the Intercolonial was finished the Government would have to take into consideration the administration of these railways or hand them over to an independent company. It must be remembered, however, that the experience of private railway corporations in Nova Scotia had not been very promising. The chief reason why the roads had lost so much was that they had been in a very bad state of repair when they passed into the possession of the Government, and between Halifax and Truro there were curves which greatly increased working expenses. As regarded the tolls charged he had compared them with the tolls on the New Brunswick Railways, and found there was very little difference between them. It was necessary to put the road in good repair in view of the increased traffic which would pass over it when the Intercolonial Railway was completed, and this was the reason why the sum in the estimates was required. The traffic was increasing and upon the year there would probably be a total increase of \$15,000. The item then passed.

On item \$99,250 for the European and North American railway,

Mr. ANGLIN asked if the sum of \$49,750 included in this vote was sufficient to provide rolling stock for the additional traffic done on the road.

Hon. Mr. LANGEVIN said the amount was what the Superintendent of Railways had asked. There was a great want of rolling stock which he had been unable to meet, because the item had not passed the House; he had advertised for tenders, and if the vote was passed to-night he would give the order at once for what was necessary. The item passed.

On the vote of \$70,000 in aid of the temporary water supply of Welland Canal,

Hon. Mr. LANGEVIN explained that the Canal would have to be deepened. Item carried.

On the vote of \$10,000 for Temiscouata, Metapedia and Huntingdon and Port Louis military roads,

Hon. Mr. MACKENZIE demurred to the proportion for the first named road, as it was not a military road. Item carried.

On the vote of \$165,000 for planks and working expenses of the Red River road,

Hon. Mr. MACKENZIE objected to the plan adopted by the Government for the construction of the road. He thought it

would have been built cheaper by a company. Item carried.

On the item, \$644,000, for public buildings,

Hon. Mr. MACKENZIE asked what rule had been adopted in reference to the building of custom houses and inland revenue houses at the small town of Three Rivers; there was \$12,000 asked at Pictou, and if they were to adopt that policy, every town of the same size would make similar demands.

Hon. Mr. LANGEVIN explained that Three Rivers was the third largest town in Quebec; it was a growing place and an extensive trade was going on there; it was to be connected with Quebec by railway, and generally was an important place.

Hon. Mr. MACKENZIE wished to know the general policy of the Government on the subject.

Hon. Mr. TILLEY replied that the policy of the Government was, if the means would justify the expenditure, to give buildings in towns where the revenue was considerable and the population over 10,000, such buildings to be used as custom house, inland revenue office and post office.

Hon. Mr. MACKENZIE also took objection to the item of \$25,000 for custom house, post office and inland revenue office in British Columbia.

The total for public buildings, \$644,000 was then carried.

The committee rose, reported, and asked leave to sit again, and the House adjourned at one a.m.

SENATE.

WEDNESDAY, 5th June, 1872.

The SPEAKER took the chair at 3 o'clock.

PETITION.

Hon. Mr. OLIVIER presented a petition of Mutual Fire Association of Stanstead against a bill to incorporate Agricultural Assurance Company of Canada, and it was read at the table, and then referred to Committee on Standing Orders and Private Bills.

PRIVATE BILLS.

Hon. Mr. DICKSON presented report of Committee on Standing Orders and Private Bills, favorable to reception of petitions from several Boards of Trade, and of J. Schultz and others, for railway objects. Also, on bills establishing St. Catherine's Board of Trade, and incorporating Inland Marine and Fire Insurance Company, and London and Canadian Loan and Agency,

Hon. Mr. Bodwell.

all of which were read a third time and passed.

COPYRIGHTS.

The House then went into Committee on the bill to amend the law respecting Copyrights.

Hon. Mr. OLIVIER in the chair.

Hon. Mr. CAMPBELL expressed the pleasure he felt that Hon. Mr. Ryan who had always taken so deep an interest in the question was present to give the House the benefit of his knowledge of the matter.

Hon. Mr. LETELLIER DE ST. JUST doubted the advisability of prohibiting the importation of books.

Hon. Mr. CAMPBELL said it was the invariable practice to prohibit importation of works which were copyrighted in England or the United States.

Hon. Mr. BUREAU contended that the bill, if passed, would not only be antagonistic to Imperial legislation but actually in conflict with a Treaty existing between Great Britain and France. The 15th and 17th sections of the Imperial Act expressly stated that the rights of British copyrights should extend not only to Great Britain, but to all parts of the British dominions; and yet it was now proposed to pass a bill in the face of that Imperial statute. He contended that even if the British North America Act gave the power in question, and he denied that it applied to anything except Canadian copyright works—it could not be retrospective.

Hon. Mr. CAMPBELL said the very preamble of the Bill stated the reasons why the Government believed Canada could legislate directly on such a question. He knew the Act referred to was in existence, but it was contended that since it was passed the British Parliament had also passed the British North America Act, giving the Dominion power to legislate with respect to copyrights; and it was a well understood principle that when the Legislature expressed opinion at different times, the latest expression was to rule. The Union Act was broad, and applied to copyrights generally, and could not be limited as the hon. gentleman argued. As respects the Treaty with France, it could have no possible connection whatever with the matter before the House. That Treaty referred to French copyrights published in Great Britain; and he was surprised that the hon. gentleman should bring it up. Canada had representative institutions, and it was claimed by the member for Wellington Division, and others that we had under these institutions the right to deal with such a question, and Imperial legisla-

tion could not affect us with respect to copyrights any more than it could in the case of patents. Under any circumstances, no harm could arise from the passing of the bill; on the contrary beneficial results must accrue for it would direct the attention of the British Government to the subject.

Hon. Mr. BUREAU again urged his view of the case.

Hon. Mr. RYAN expressed his astonishment that the hon. gentleman (Mr. Bureau) should oppose a measure which, should it come into operation, would be a great benefit to a very important branch of industry, especially in the city of Montreal. He showed that the bill had no reference whatever to the Treaty quoted by the hon. gentleman, and then went on to say that the Act of 1849 was passed with the view of benefitting the people of Canada; for at that time the publishing interest here was not able to compete with the same interest across the frontier in the production of cheap literature. The state of things, however, was now very different, and it was felt that the present system was very injurious to the publishers and printers of Canada. As an illustration of the energy with which this branch of industry is now prosecuted, he mentioned Mr. Lovell of Montreal, who employs some 500 persons, many of them females. That gentleman had recently been offered very strong inducements if he would remove his entire establishment to the United States. He expressed himself emphatically in favor of the bill before the House, and contended that it was as just in principle, and would operate most beneficially. The measure was in the interest of the British author as well as the Canadian publisher. Sir C. Trevelyan, backed by the opinions of leading English authors, warmly approved of the policy of Canada in this particular. He was satisfied with the opinion given on the subject by eminent legal minds in this country, and believed that the result of the reference to England would be satisfactory. He trusted sincerely that every gentleman in the House would do all in his power to promote the interests of a very important branch of industry which was now laboring under great disadvantage.

An amendment was added to the suggestion of the Hon. Mr. Ryan, making the excise duty *not to exceed* 12½ per cent on the wholesale value.

The Committee rose and the amendment was adopted by the House. The bill was then read a third time and sent to the House of Commons—the money clauses being first omitted.

SECOND READINGS.

Bills to incorporate Canada Agricultural Insurance Company, Levis and Sorel Boards of Trade, was read a second time.

After reception of several bills from the House of Commons,

The House adjourned.

HOUSE OF COMMONS.

OTTAWA, June 5, 1872.

The SPEAKER took the chair at 3.20 p. m.

After routine,

MISCELLANEOUS BUSINESS.

Hon. Mr. LANGEVIN presented a return to the address for the correspondence relating to the deepening of the Shippegan Gully.

Mr. CHIPMAN enquired whether the Government intended assisting the Windsor and Annapolis Railway Company, and if not, whether the Government would allow the road to be closed; secondly, whether the Legislature and Government of Nova Scotia had made an appeal to the Government in favor of assistance being granted to the Windsor and Annapolis Railway Company; thirdly, whether, in the event of the road being closed, the Government would be prepared to refund to Nova Scotia the million and a quarter of dollars contributed by the Province and the counties through which said road runs towards the cost of said road.

Hon. Mr. LANGEVIN replied that the Government could not do that without establishing a precedent sure to be invoked by other distressed companies; that the Government had under consideration what steps should be taken to protect the public interests in the event of the road being closed; that an order-in-Council had been passed and transmitted by the Government of Nova Scotia which was now under consideration. The third part of the question was answered in the negative.

Mr. CHIPMAN enquired whether it was the intention of the Government to vote any money or construct any federal works this year at or near Scott's Bay, Well's Cove, Rosse's Creek, Bennett's Cove, Black Hall, Baxter's Harbour, Hall's Harbour, Chipman's Brook, Canada Creek, Harbourville or French Cross Breakwater, and the piers of the Bay of Fundy, or at Apple Tree landing, or Oak Point in Mind's Basin in King's County.

Hon. Mr. LANGEVIN said that the esti-

Hon. Mr. Langevin.

mates which had been brought down since this question had been placed on the papers, showed what the Government intended to do in that respect.

Mr. BARTHE moved for an address for the correspondence respecting the remunerations of persons employed at St. Ours lock.—Carried.

Mr. CAMERON (Inverness) moved the House into Committee on the bill to divide certain polling districts in the County of Inverness, and to provide for voters' lists therefor.—Carried.

The House went into Committee on the motion, Mr. Chipman in the chair.

Hon. Mr. MACKENZIE said this was a bill affecting the general election law of the country, and he would like to know the view of the Government with regard to it. Would the Minister of Justice move the six months' hoist as he said he would do with regard to all bills respecting the election law.

Hon. Sir JOHN MACDONALD said the subject of the bill, as he understood it, was to increase the number of polling places in the county, the present number being too small to allow of all the voters being polled in one day. He could not see that there was any ground of objection to it, but if there was, the bill might stand over on the question of concurrence.

Mr. CAMERON explained that the bill did not affect the general law, but was intended only to remove a local inconvenience.

The bill was then adopted, and the committee rose and reported, when the bill was read a third time and passed.

DANGEROUS WEAPONS.

Mr. O'CONNOR, in the absence of Mr. Harrison, moved the second reading of the Act to extend the law as to the carrying of dangerous weapons.

Hon. Sir JOHN MACDONALD had pointed out certain necessary corrections of the bill to the promoter of it. It was necessary, for instance, to define what a loaded pistol was. It might be loaded with water or anything else. It required other amendments also, and he would suggest that this bill, and others standing in the name of Mr. Harrison should be referred to a professional committee of five.

Hon. Mr. MACKENZIE said, if he understood the remarks of the Minister of Justice, he agreed to the principle of the bill, whereas on a previous occasion he had objected to it.

Hon. Sir JOHN MACDONALD said the bill went further than before, as it exempted constables from the operation of the act, gave power to magistrates to allow the

carrying of weapons, and provided that persons in outlying districts could be exempted from its operation by proclamation.

Hon. Mr. CAMERON (Peel) thought it should be referred to a special committee of five before the second reading.

Hon. Mr. BLAKE said it appeared to him that bills amending the criminal law should not be introduced except by the Government. He had not considered any of the bills. It struck him that very dangerous consequences to the liberty of the subject might ensue from the proposal made.

Hon. Sir JOHN MACDONALD—Which bill is that?

Hon. Mr. BLAKE—The one providing for arrest by telegraph.

Hon. Sir JOHN MACDONALD agreed that the principle of the bill was wrong.

Hon. Mr. BLAKE said the proposal of the hon. member for Peel was against the rules of the House, as no bill could be referred to a select committee until it had passed the second reading.

Hon. Sir JOHN MACDONALD said it was not in his power to prevent the introduction of any bill, and when such a bill was before the House it must be discussed according to its merits. There was great merit in the bill before the House. The member for West Toronto, who introduced the bill, was a gentleman of large practice, and had been largely engaged in criminal matters, and therefore might be considered an authority on such matters. That gentleman had told him (Hon. Sir John) that he had the authority of the Judges of the Supreme Courts in saying that the improper use of firearms was greatly on the increase, and called for prompt action on the part of the Legislature. He thought the bill would have the effect of diminishing the practice of carrying fire-arms, and he pointed out that the bill introduced by the late Col. Prince making it a misdemeanor to carry slung shot, life preservers, bowie knives, &c., had a most marvelous effect on the country. When that bill was introduced, it had included revolvers; but it was thought that it went too far in that respect, and he (Hon. Sir John) had remembered the principle laid down in Blackstone of the right of parties to carry weapons in self-defence. He saw no objection to the second reading of the bill and thought that it should be referred to a select committee.

Hon. Col. GRAY did not think there was any necessity for such legislation. There was nothing in the state of the country to call for it.

The motion for the second reading was then put and declared lost.

STOLEN GOODS.

Mr. CARTER (Brome) moved the second reading of the bill to amend the law relating to advertisements respecting stolen goods. He explained that the object of the bill was to provide that the action to be brought under the larceny Act, which this was proposed to amend, should be brought in the name of the Attorney General. Mr. Blake asked why this was necessary, and what evil it was intended to prevent.

Mr. CARTER said at present an action could be brought against a newspaper without any inquiry being made into the circumstances. An advertisement might get into a newspaper by mistake and without the knowledge of the proprietors, and it was to protect them against vexatious actions that it was proposed that the Attorney General's consent should first be obtained.

Hon. Mr. MACDOUGALL said that no specific case had been mentioned by the hon. gentleman showing the necessity for an alteration in the law. The object of the law originally was to prevent the compounding of felony; and he thought in the absence of any particular reasons for such a change, the law could not be amended speculatively. He was not in favor of giving such discretionary powers to the Attorney-General, as in cases of this kind it would expose them to the charge of having exercised their powers unfairly for political and other reasons.

Hon. Mr. BLAKE agreed with the last observation, but the object of the original bill was to prevent wrong, while it might occasionally happen that when arrangements were made privately to compound a felony the chief means were by advertising in a newspaper, and the law as it stood, was calculated to prevent the publication of the advertisement and the commission of crime. There being a fine of \$25 for offences against the law, proprietors of newspapers took good care that it should not be infringed, and he held that they should be required to bring proof that the existing law should be made use of for purposes of extortion before any change should be made. It was not sufficient to say that a similar act had been passed in England. The circumstances there were quite different.

Hon. Mr. CHAUVEAU opposed the bill on the ground that the same provision might as well be applied to all actions for the recovery of penalties.

Hon. Mr. WOOD said the hon. member

for West Toronto had introduced the bill simply to show his learning, skill or research, not because there was any necessity for such a measure. The hon. member had discovered that there was a statute of the kind in England, and thought it should be initiated here, although no necessity had arisen for it. He [Mr. Wood] was opposed to burdening the statute books with such useless enactments.

Hon. Sir JOHN MACDONALD was surprised that the hon. member for South Brant should have spoken in that style of an absent professional brother. (Hear, hear.) He (Sir John) did not know whether the hon. member for West Toronto was aware that any cases had occurred in this country requiring a Legislative remedy of the kind proposed in the bill. If he did not know of such cases, it would have been better perhaps, if he had not brought in the bill; but it would be discourteous to throw it out until the hon. member had an opportunity of explaining his reasons for introducing it. The action referred to in the bill was not of the nature which the hon. member for South Brant had stated, for the law was that all the money should go to the informer. In England this had caused many vexatious proceedings, respectable newspaper proprietors and publishers having been put to much annoyance by professional informers, and consequently a law had been introduced for their protection. He did not doubt that such a law had been necessary there, and that it had produced beneficial practical results. In justice to the framer of the bill, the debate should be adjourned, in order to allow him to explain why he had thought it expedient to introduce it.

Hon. Col. GRAY said the hon. member for West Toronto had informed him before he left that he thought the bill necessary in order to secure the freedom of the press and prevent newspaper proprietors from being subjected to harrassing actions.

The debate was then adjourned.

TEA AND COFFEE.

Hon. Sir FRANCIS HINCKS said he had received a telegram to-day from Washington informing him that the House of Representatives and the Senate there had concurred in a measure imposing a duty of ten per cent. upon tea and coffee imported from other countries than those eastward of the Cape of Good Hope. This would render necessary a reconsideration of the measure that had passed this House for the repeal of the tea and coffee duties,

Hon. Mr. Wood.

and the Government would therefore introduce a new bill to meet this action of the American Congress. He trusted that the usual form would be so far relaxed as to allow him to move without the necessity of giving notice "That the House would on Friday resolve itself into a committee of the whole to the consideration of a resolution providing that if the United States impose a duty upon tea and coffee, imported from Canada, of ten per cent. more than if imported from any other country, the Governor in Council should be authorized to impose by proclamation an equivalent amount of duty upon tea and coffee imported into this country from the United States. (Hear, hear.)

Hon. Mr. HOLTON said there was no objection as to the form, but hon. members might have something to say upon the subject when the resolution came up on Friday.

The motion was then agreed to.

POLL BY BALLOT.

Mr. TREMBLAY moved the second reading of the Act to provide for taking the poll at Parliamentary elections by ballot. He spoke in French in support of the bill.

Hon. Sir JOHN MACDONALD said the House would agree with him that the question could not be considered this session, and he moved that the bill be read a second time six months hence.

Hon. Mr. DORION supported the principle, which he said was very generally in force in countries having Parliamentary Government, and though the matter could not be entertained this session he hoped the principle would be adopted by a large majority next session.

Mr. JONES did not think the principle applicable to Canada. In England there might be reasons for the adoption of the ballot, but in Canada the voters were free and independent, and he thought it the more manly way to vote openly. In the United States there was more corruption at elections than anywhere.

Hon. Col. GRAY said the operation of the ballot in New Brunswick had not been injurious, but the present bill was very incorrect in its details. If the system of New Brunswick were adopted there would be no difficulty.

Mr. JULY supported the principle of the ballot, denying that there was more violence at elections in the States than elsewhere; and said that if there was violence there now, how much more would there be if the ballot were not in force.

The members were called in and a di-

vision taken on Hon. Sir John Macdonald's motion, which was carried. Yeas, 104; nays, 43.

RETURNING OFFICERS.

Mr. FOURNIER moved the second reading of the bill to provide for the nomination of Returning Officers for the next general election of members for the House of Commons.

Hon. Mr. DORION said the object of the bill was to reinstate the law as it had been before Confederation, or in other words, to provide that those who were returning officers before Confederation should be hereafter returning officers, thereby taking away from the Government the power of appointing returning officers.

Hon. Sir JOHN MACDONALD thought the question was fully disposed of by Parliament last session, when it was deliberately agreed that all the laws relative to elections should be continued, except in so far as altered by the British North America Act. It was then settled what the law should be at the next general election, and he could see no reason for altering the decision of both Houses of Parliament last session, there having been no change of circumstances. He would, therefore, move "that the bill be not now read, but that it be read a second time this day six months."

Hon. Mr. BLAKE charged the Minister of Justice with inconsistency in having voted the bill of the member for Victoria, N.B., the principle of which he had voted against last session. He had warned the hon. gentleman, and would do so again, that a large portion of the people of Manitoba would be disfranchised during the next election, owing to the manner in which the voters' list had been prepared unless a special act on the subject was passed during the present session.

Hon. Sir JOHN MACDONALD said he stated in his previous remarks that there was no change of circumstances between the passing of the Act of last session and the present time. He could not say the same in respect to the bill of the member for Victoria, because there was a marked difference in the circumstances. The hon. gentleman had said that a certain portion of the Dominion would be disfranchised. Such would not be the case. He did not require any warning from his hon. friend to keep him to his duty. He had been in Parliament and held office for many years and thought his legislation would be found quite as complete as that of his hon. friend from West Durham, should that gentleman have the opportunity of serving so long. As to the appointment of returning officers,

he appealed to the House and the country to say whether the power vested in the Government by the British North America Act was misused or abused at the last general election. Neither in the House nor out of it had there been a single attack made upon the conduct of a returning officer.

Hon. Mr. DORION asked how about Kamouraska.

Hon. Sir JOHN A. MACDONALD replied that there had been a row there, but there had not, he thought, been any charge of impropriety of conduct on the part of the returning officer, who in that instance was the registrar, and the very man who would be appointed if the bill under discussion became law. The Government took great pains at the last general election to see that proper persons were selected for returning officers; and would do the same in future.

Hon. Mr. HOLTON said the Minister of Justice had averred his responsibility for the bill of the member for Victoria.

Hon. Mr. MACKENZIE argued to the same effect as the member for Chateaugay, and said that it had been denied by the hon. gentleman's own organ, and he must now be recognized as proprietor of a newspaper.

Hon. Sir JOHN A. MACDONALD—And a good newspaper.

Hon. Mr. MACKENZIE—Yes, a good newspaper, but he could not say so of the news it contained. To return to his subject, that organ had denied the responsibility of the bill, but the hon. gentleman had at last acknowledged the fact.

Hon. Sir JOHN MACDONALD said he had never averred that he knew anything about the bill of the member for Victoria. The hon. gentleman was in the House and he was at liberty to question him on the subject.

Mr. COSTIGAN said he had been repeatedly asked how the Government felt in regard to this bill, to which he had replied that he had never spoken to them or they to him in reference to the bill.

Hon. Mr. DORION argued that there were at least ten constituencies in the Province of Quebec disfranchised through the action of the returning officers at the general elections.

It being six o'clock the House rose.

AFTER RECESS.

THE ANTICOSTI COMPANY.

Mr. WORKMAN moved concurrence in the amendments to the bill to incorporate the Anticosti Company.

Mr. CHAUVEAU said the bill should have been initiated in the Quebec Legislature. There were certain powers in the bill

which were under the jurisdiction of that Legislature. After they had been obtained it would have been time to have come to the Dominion Parliament to ask for the powers which Parliament alone had the right to confer. This kind of legislation was inconvenient; it was beginning at the wrong end.

Hon. Mr. DORION defended the bill, saying that the chief powers which were sought were powers under the control of Parliament. The company which it was proposed to incorporate intended to develop the resources of Anticosti where, according to Sir William Logan, there were a million acres of as good land as any in Ontario or Quebec; and he (Mr. Dorion) thought no obstacle should be thrown in the way.

The motion was then carried.

MONTREAL TELEGRAPH COMPANY.

Hon. Mr. HOLTON moved the House into committee on the bill to extend the powers of the Montreal Telegraph Co. He said that this bill had been allowed to stand for some time on the orders, in the hope that an arrangement would have been made by the Montreal Telegraph Company with the Nova Scotia Telegraph Company in the sense that was understood when the bill was before the Railway Committee. The negotiations, however, had failed for the present, and as a number of gentlemen from Nova Scotia who had withdrawn their opposition to the bill in the belief that this arrangement would have been entered into, had left for home, he did not feel at liberty to proceed with that part of the bill that had been objected to, and that gave power to the Montreal Telegraph Company to extend its wires into Nova Scotia. He had had a conference with the President of the Council upon the subject, and had agreed with him to except Nova Scotia altogether from the operation of the bill for the present. He would move an amendment in committee to extend the powers of the company to New Brunswick, Manitoba and British Columbia; but that clause of the bill relating to Nova Scotia be struck out. It was probable that during the recess the negotiations for the purchase of the Nova Scotia telegraph lines by the Montreal Company, which involved negotiations with a foreign company, the Western Union Telegraph Company, would be brought to a satisfactory conclusion.

Hon. Dr. TUPPER said there could be no objection to the bill as it would be amended by the hon. gentleman.

The House went into committee on the amendments made and reported, and the bill was read a third time and passed.

Hon. Mr. Chauveau.

BILLS ADVANCED.

Mr. GIBBS moved the second reading of the bill to incorporate the Dominion Trust Company. Carried. The bill having passed through committee was read a third time and passed.

Mr. SMITH (Selkirk) moved the second reading of the bill to incorporate the Bank of Manitoba.—Carried. The House went into committee on the bill, which being reported was read a third time and passed.

Mr. GIBBS moved the second reading of the bill to incorporate the Ontario Shipping and Forwarding Company.—Carried. The bill went through committee, was read a third time and passed.

The following bills were also read a second time, referred to committee, adopted, and then read a third time and passed.

An Act to change the name of the District Permanent Building Society of Montreal into that of the Loan and Landed Credit Bank—Mr. Paquet—and to grant certain powers to the Bank. An Act to incorporate the Board of Trade of the Town of Chatham—Mr. Stephenson. An Act to incorporate the Superior Bank of Canada.—Mr. Kirkpatrick. An Act to incorporate the St. John Board of Trade—Hon. Mr. Tilley. An Act to incorporate the St. Clair River Railway Bridge and Tunnel Company—Mr. Morrison (Niagara); an Act to incorporate the Detroit River Railway Bridge Company—Mr. Morrison, (Niagara); an Act to incorporate the Coteau and Province Line Railway and Bridge Company—Mr. Macdonald (Glenarry); an Act to amend the St. Lawrence and Ottawa Railway Act—Mr. Shanly.

RETURNING OFFICERS.

Hon. Mr. DORION renewed the debate on the bill to provide for the nomination of returning officers for the next general election of members for the House of Commons. For a period, he said, of from twelve to fifteen years after the Union the appointment of returning officers was vested in the Government, and it was found that great impartiality was shown by these officers in favor of the Government appointing them.

Hon. Mr. CHAUVEAU was not in the House when the bill was passed last session, but in reading the debates thereon he had noticed that the member for Hochelaga had moved an amendment which certainly was not in favour of returning to the old system. That system, if renewed, would vest the power of appointing Returning Officers for the Dominion elections in the hands of the local authorities who might be hostile to the Dominion Govern-

ment. The hon. gentleman had made an unfortunate statement as to the corruption of Returning Officers if the bill under discussion became law. With nine exceptions, the whole of the Returning Officers of the Province of Quebec were Registrars or Sheriffs, and the Government were compelled to appoint four out of the nine owing to the absence or employment elsewhere of the Sheriffs and Registrars. The trouble at Kamouraska had been greatly exaggerated, and the returning officer at the last election would still hold that office if the amended bill was passed. The returning officers had a very knotty question to decide in regard to duplicate lists. One of them had gone to him for advice and he had replied that the Government should not give an opinion on the subject, and told the applicant to get the best legal advice he could. If the hon. gentleman had had any charges to make, he should have presented them at the time, in order that an investigation could be had. They should at least give the bill passed last session a fair trial.

Mr. ANGLIN said it was quite understood that the bill passed last session was a temporary measure, merely to provide, as the Minister of Militia then stated, for any possible election that might take place in the meantime, and that a general election law was to be passed during the present session.

Hon. Sir G. E. CARTIER would explain the extraordinary assertion of the member for Gloucester. It would appear that the hon. gentleman had not read the bill, nor listened to the debate when introducing that bill. He (Sir George) expressly stated to the House that the measure was in view of the general election, as they could not alter the system during the present session on account of British Columbia entering the Union, and would not have time during the last session of the Parliament to alter the lists.

Hon. Mr. TILLEY was surprised at the speech of the hon. member for Gloucester. The bill of last session left New Brunswick in precisely the same position as in 1867.

Messrs. BELLEROSE and CHAUVEAU spoke in French against the proposed measure.

The members were called in and the vote taken on hon. Sir John Macdonald's motion, with the following result—yeas, 95; nays, 53.

BILLS OF EXCHANGE.

Hon. Mr. CAMERON (Peel) moved the second reading of the Act to amend the law relating to bills of exchange and pro-

missory notes. He referred to the different clauses, and said that in committee he proposed to provide that the bill should come into operation on the 1st October next, so as not to affect bills now drawn. Carried. The bill passed through committee, was read a third time and passed.

VOTERS' LISTS.

Mr. ROSS (Victoria, N.S.) moved the second reading of the bill to provide for the revision of voters' lists for the election to the House of Commons in a certain district in the County of Victoria, N. S. Carried. The bill passed through committee, was read a third time and passed.

Hon. Sir FRANCIS HINCKS moved that the House go into committee on Friday next on a resolution to provide for the imposition of harbor and tonnage dues at Montreal, to make good to the Consolidated Revenue Fund the sum voted for improving the navigation of the St. Lawrence between Montreal and Quebec. Carried.

SUPPLY.

The House went into Committee on Supply, on the item reported from the Committee of Supply to meet the increase under the Civil Service Act, or possible new appointments in the Civil Service.

Hon. Sir GEORGE CARTIER moved that the item be reduced from \$25,000 to \$10,000. Carried.

On the item \$70,000 to aid the Provinces to encourage emigration,

Hon. Mr. MACKENZIE objected strongly, as the Provinces would be in no way accountable.

Hon. Sir FRANCIS HINCKS defended the vote and had perfect confidence that the Provinces would properly apply the money.

Hon. Dr. TUPPER referred to the conference on emigration where the delegates of the Local Government stated that there was a want of means when it was decided to help the Local Governments in the matter of assisting emigration, and could not understand what objection the member for Lambton could have. The Local Governments were fully responsible to their respective Legislatures, and there could be no misappropriation. There would be great advantage from the co-operation of the Dominion and Local Governments, and the proposed action would commend itself to the House and the country. The amount was comparatively small for the purpose intended.

Hon. Mr. MACDOUGALL thought there was no direct responsibility by the Local Governments in the matter, and that there

was force in the objection on that ground. The object might be good, and the money might be properly expended; but if the practice of making grants to the Local Governments became general, it would be unsafe and unconstitutional. If Parliament chose to make the Local Governments their trustees some return ought to be made of the expenditure.

Hon. Mr. BLAKE said there was no arrangement between the Local and Dominion Governments as to such a grant. He thought the provision was a mode of alteration of the British North America Act to the Constitution of the Local Legislatures. The grant would only have the effect of increasing the general revenues of the Local Governments contrary to the British North America Act, and the course was a most dangerous one.

Mr. CONNELL thought the proposition was an experiment, and there was strong reason that it should be carried, as every effort should be made to induce emigration, though he entirely differed from the principle of grants to the Local Governments.

Hon. Mr. WOOD said everybody desired to encourage emigration, but whether the present grant would further the desired object more than if the amount were expended by the Dominion Government was very doubtful. The vote was a simple decrease of the subsidies of the Provinces, though no doubt it was proposed with the best possible motive. Ontario had voted \$80,000 for emigration purposes, and could not expend any further sum. He hoped that the Government would not press the matter, as it might lead to trouble.

Hon. Sir JOHN MACDONALD said that in his opinion there was no constitutionality in the matter, as the people of the country were a free people, and had a right to do with their money exactly as they pleased, and it was absurd in the nineteenth century for the representatives of a free people to fetter themselves in the matter of spending their own money. Immediately after the first session of the present Parliament the Government of the Dominion made an attempt to act in concert with the Governments of the Provinces of the Dominion on the subject of emigration, as it was evident that the Dominion Government, without the aid and assistance of the Provincial Governments, were without any real power to promote emigration. At that time they had no increase of land and no means of offering cheap or free lands to anyone, and they were without reliable information to con-

vey to emigrants in Europe, and it was evident therefore, that unless there was joint action on the part of all the Governments there could be no efficient system of emigration. The Government of the Dominion, therefore, communicated with all the Provinces, and representatives were sent to a conference by Ontario, Quebec and New Brunswick, and an agreement for joint action was come to, the General Government agreeing to appoint agents for Europe for the purpose of disseminating such information as should be furnished on the authority and responsibility of the Provincial Governments to the Dominion Government, and it was understood that the Dominion Government would appoint agents on the main line, while the Local Governments would have local agents to distribute the emigrants to the different points where they might be required. At the following session, the Dominion Government got votes for the purpose, and he might say that the Dominion Government had always been in advance of the Governments of the Provinces in their exertions in favor of emigration. From the large works in progress in Canada and the United States, and the extension of bounds of the Dominion, a great demand for labor arose; and in consequence of the general desire for a renewed and increased effort in favor of emigration, a conference was held recently, at which representatives were present from every Province in the Dominion, including even British Columbia. These representatives set themselves to work out a scheme for general action, but the representatives of the Lower Provinces pointed out that their requirements were so peculiar that the efforts of the agents of the Dominion were only beneficial to Ontario and Quebec, while their wants were set aside. The emigrants they wanted were fishers and miners, and if the Dominion really desired to help them to develop their mineral resources and their fisheries, they must assist them to have special agents and to make special efforts themselves. The Government told the representatives that they had no power to make any pledge of assistance, and that they believed that Parliament would vote an amount for the purpose of aiding the different Provinces, and he believed the Local Governments had since calculated with some confidence that the vote would not be thrown over by Parliament, and he was sure it would not be thrown over, so that without reference to the constitutional question he would ask the House to accept the proposal for the present year, leaving it hereafter to be fought out on a larger scale, and on a ques-

Hon. Mr. Macdougall.

tion more worthy of dealing with the constitutional question.

Hon. Mr. MACKENZIE said we had a right to vote as much money as we pleased for emigration purposes, but he did not believe we had a constitutional right to vote money and hand it over to the Local Governments to expend; and he protested against that doctrine. The expenditure would not be accounted for to this Government, and he contended that the money should be paid to the respective Governments in proportion to the number of emigrants brought into the country.

Hon. Sir JOHN MACDONALD said that the object of providing that a certain sum should be paid to the different Provinces out of the Dominion Treasury was to meet to a certain extent the large revenue they had given up to the Dominion, and a bargain was made by which the Government of the Dominion were to pay a certain sum for that surrender. They were not bound however, not to exceed that sum, the amount agreed upon being an assurance that they would never receive less. He contended that this Parliament had a perfect right to do what it liked with its own money, and he instanced Ireland as a case in point, and referred to the motion brought in by Mr. Maguire at the last session of the Imperial Parliament on the ground that that country had not received the amount agreed upon according to the terms of union. It was then contended, and he believed established, that country had received a great deal more. He alluded to the fact that Her Majesty's Government had declared that the additional subsidy to Nova Scotia was perfectly constitutional, and reported that there was no unconstitutionality in the present vote.

Mr. MILLS maintained that the grant asked for was unconstitutional, and that the effect would be that the Provinces would look to the Parliament of Canada for any money they required instead of taxing their people.

Hon. Sir GEORGE CARTIER replied that he was surprised at the argument of the member for Bothwell, and maintained that there was nothing unconstitutional involved.

Dr. SCHULTZ said that whether the grant was unconstitutional or not it was a very wise course. He could not understand why Manitoba should be overlooked. It was true that a large sum had been expended on the Dawson Road. The population was small, but the extent of territory for settlement should be considered.

Mr. ANGLIN had no doubt of the cor-

rectness of the matter constitutionally, as Parliament could deal with its money as it chose.

Mr. MASSON (Terrebonne) complained that it should be urged that because money had been spent on the Dawson Road, nothing more should be done for Manitoba.

Hon. Sir FRANCIS HINCKS said they were giving cheap passages and in other ways assisting emigrants by free grants of land, and that was quite enough, in his opinion, for promoting emigration to Manitoba.

Hon. Mr. MACKENZIE said last year \$50,000 had been spent in sending emigrants to Manitoba.

Hon. Mr. POPE said no grant was given to Manitoba because the whole of the land belonged to the Dominion.

The item was declared carried on division.

On the item for the Temiscouata, Metapedia, and Huntingdon and Port Louis Roads,

Hon. Mr. LANGEVIN, in reply to Mr. Mackenzie, explained that the Temiscouata road was in very bad repair, and until the Intercolonial was complete, it was absolutely necessary that it should be kept in good order, as it was the only road between Canada and New Brunswick.

The item was carried on division.

In reply to Mr. Mackenzie,

Hon. Sir GEORGE CARTIER said tomorrow the Militia Estimates would be proceeded with.

Hon. Mr. BLAKE complained of the Distribution Bill not being in the hands of the members.

Hon. Sir GEORGE CARTIER promised to call the attention of the Minister of Justice to the matter.

The House then adjourned at 12:10.

SENATE.

THURSDAY, 6th June, 1873.

The SPEAKER took the chair at three o'clock.

PILOTS.

Hon. Mr. AIKINS presented to the House a Return to an Address to His Excellency the Governor General dated May 1872, praying His Excellency to cause to be laid before this House, a copy of any correspondence which has taken place between the Department of Marine and Fisheries and the Imperial Board of Trade in London, relative to the relaxation of the Rules and Regulations relating to the granting

of masters' certificates of competency to Pilots on the Lower St. Lawrence.

PRIVATE BILLS.

Hon. Mr. DICKSON from the Committee on Standing Orders and Private Bills, reported favorably on "an Act to amend the Act to incorporate the Canadian and European Telegraph Company."

Also on "an Act to incorporate the Dominion Water Works Company." These Bills were read a third time and passed.

Hon. Mr. HAMILTON, from Committee on Banking, Commerce and Railways, reported favorably on Bills respecting Halifax Banking Company and Great Western Railway. The latter was read a third time and passed.

THE CANADIAN PACIFIC R. R.

Hon. Mr. CAMPBELL, on moving the second reading of the Bill respecting the Canadian Pacific Railway, said that its object was perfectly familiar to hon. gentlemen, inasmuch as it carried out the arrangement contemplated at the time the Union was effected with British Columbia. It was suggested at the time the resolutions were passed last session, that a reasonable subsidy in money—some ten or twelve thousand dollars a mile—and a land grant of some 50,000,000 acres would probably accomplish the object we had in view. Many members in both branches of the Legislature were of opinion that a larger quantity of land would be required. Experience, however, had shown the Government that the object can be accomplished within the terms mentioned in the Bill. Those terms were \$30,000,000 in money, and 50,000,000 acres in land. The interest on the money was of course quite within the power of the Dominion to grant without at all unduly pressing upon the resources of the people. Fortunately for the Dominion, we were passing through a season of great prosperity, and we had every reason to hope that this enterprise will add to that prosperity. The other arrangements in the Bill were of a very simple character, and provided that the road shall be constructed by one or more companies. If it were necessary those companies could amalgamate, and failing that the Government could resort to some other means of getting the road constructed. The road at this end was to commence to the south of Lake Nipissing. Comparing our line with the Union Pacific, it would be found more easily constructed, while the natural features of the country are in every way superior. A large portion of the American line ran through the arid waste, while the altitude was several thousand feet higher than

that of the Canadian Pacific will be. Under these circumstances our road could be constructed more advantageously by any company. It would be of course the object of such a company to settle their lands as rapidly as possible, and in that way become actually immigration agents.

Hon. Mr. LETELLIER DE ST. JUST did not intend to oppose the bill inasmuch as we are bound to construct it in accordance with the measure passed last session, but he felt compelled to state some objections he had to the scheme of construction. He admitted that the natural features, as stated by the Hon. Postmaster General, were in favor of the Canadian line, but he thought nevertheless before we went into an undertaking the Government ought to have more definite information than they have now with respect to its cost. If we compared the terms now offered with the actual cost of the American lines, it would be found that they would be entirely inadequate. He found that the whole cost of the Union Pacific and Central Pacific was some \$205,000,000. The cost of our road compared with the Union Pacific would be \$270,000,000; compared with the Central Pacific it would be \$205,000,000. As the \$30,000,000 offered by the Canadian Government was clearly inadequate for so great an undertaking he was afraid we would have in connection with the work a repetition of all the blunders we have had in the past.

Hon. Mr. AIKINS—What assistance did the American line receive from the Federal Government?

Hon. Mr. LETELLIER DE ST. JUST.—The Government under this Bill intend giving only some \$11,000 a mile. The Government of the United States, on the other hand, granted on the whole length of the Pacific line some \$30,000 a mile. We were actually to build our line for two-thirds less. It was true we were giving a larger amount of land, some 19,000 acres a mile. But the two roads in the United States had received the same advantages from the Government; they got on the average \$32,000 a mile in money, and 12,800 acres of land per mile. When we compared the distances of the lines, we must see that the Bill did not provide a sufficient amount of money. A large portion of the Central and Union Pacific roads ran over fertile plains just as our own line would. Of course when we reached the mountains we would also have to contend with difficulties. From the Lake of the Woods eastward we would find obstacles equal to those encountered by the Americans in constructing their two lines. He would not be surprised to find that the

Hon. Mr. Aikins.

road would cost us in the end \$200,000,000 instead of \$30,000,000. It was easy enough to make estimates more favorable, but our experience taught us to place little reliance on them, and he preferred being guided by facts like those he was quoting from the record of American railway construction.

Hon. Mr. MITCHELL—Was not the money grant of the American railways simply a loan?

Hon. Mr. LETELLIER DE ST. JUST.—That made no difference as respects the cost, though it might affect the Company. The contractors might be inconvenienced in the money market, but they would go on with the road and the cost of its construction would be no greater. He did not mean to urge we should not build our line, but what he wished to urge was that we should not be too hasty in undertaking what may hereafter seriously cripple our resources. We all knew that the Inter-colonial Railway had made very slow progress so far. The estimates made by the original contractors were too low and the contracts had finally to be annulled. No one knew when the road would be finished or how much it would cost.

Hon. Mr. MITCHELL.—The road will be completed within the estimates of the Engineer.

Hon. Mr. LETELLIER DE ST. JUST said that it would be time enough to speak positively on this question when further progress was made with the road. As respects the general features of the bill, he did not see that they required any particular comments, but he must say that he regretted that the Government should go into so large an enterprise without actually knowing what it would cost. He spoke earnestly on the matter, because he did not wish to see the country hereafter precipitated into difficulties on account of our heedlessness in the present.

Hon. Mr. CARRALL took issue with the hon. gentleman as to the probable cost of the Canadian Pacific line. He had taken some pains to inform himself on the subject, and was of opinion that the road could be constructed on the terms offered by the Government. The money given by the United States Government was in the shape of a loan, whereas the bill under consideration offered an actual subsidy. He reminded the House that to British Columbia belonged the honor of originating the idea of this grand continental Railway. It was true the matter had been talked of before, but it was not until the scheme of union was mooted that the railway project assumed a definite shape. We all felt that the Union could never be a reality unless

we had the railway binding the two oceans together by indissoluble links of iron. The construction of the railway would develop a noble extent of country; it would divert to the North West that stream of European emigration that had hitherto been directed to the South West. We had now territory enough but no population and the immediate result of the completion of the line would be to people that wilderness. He had confidence in the future of this country, and believed there was no danger whatever of embarrassing our resources in connection with this line. Even if it were to cost much more than anticipated, the country could afford it. The additional population brought into the country would soon enable the Dominion to meet the obligations incurred. He pointed out the superior advantages of the Canadian line in respect to the soil of the country, climate and altitude, as compared with the American lines. He referred to the great stimulus the line would give to trade with the countries of the China sea, and the benefit the Dominion would thereby receive. It would develop mineral resources now entirely dormant, and add immensely to the wealth of an already prosperous country.

Hon. Mr. LETELLIER DE ST. JUST said that calculating the 19,000 acres of land at \$1 an acre, and adding to the \$11,000 of money we had \$30,000 a mile as the grant of our Government against the \$32,000 a mile given by the United States Government.

Hon. Dr. CARRALL—A dollar an acre was too little. He knew that the land would be worth from \$8 to \$10 an acre; and he spoke from his knowledge of its value on the Pacific line—through Nebraska for instance.

Hon. Mr. MITCHELL said that there were just two points on which he felt compelled to make a few observations. All confessed that we must pass the Bill in order to carry out in good faith the engagements of the Dominion with British Columbia. Even if we had not made those engagements public opinion was fully alive to the necessity of opening up the vast country to the North West. He contended that the terms offered by the Bill were amply sufficient to provide for the construction of the line. The natural characteristics of the route, as compared with the American line, were entirely in favor of the Canadian road. From seven to eight hundred miles of the American railway were through the American desert. According to the hon. member from Granville, the American subsidy was \$32,000 a mile. Now the Canadian Gov-

ernment gave as a subsidy—not as a mere loan secured by mortgage,—\$12,000 in money per mile—supposing the distance to be 2,500 miles.

Hon. Mr. LETELLIER D^E ST. JUST—The statement was made elsewhere by Sir George Cartier that the distance would be probably 2,700 miles.

Hon. Mr. MITCHELL based his statement upon the best authority, and that was the official report of the Engineer. The Americans gave some 12,800 acres of land, whereas we are to grant 20,000 acres a mile, and there could be no doubt whatever as to its very superior character. Those lands were well watered, abounding in mineral and other resources, and affording every advantage to a company who wished to embark in a profitable undertaking. The money grant and land subsidy together, therefore, amounted to a value of \$32,000, or a far larger sum when we consider the money is not a mere loan, and the land is greater in quantity and more valuable for settlement. Companies of the wealthiest capitalists in the country were now ready to come forward and assume the construction of the road on the terms offered to them. American capitalists were also equally ready to embark to-morrow in the same undertaking. In view of all these facts it was idle to say that the Government were to undergo any risk in legislating for the construction of a work which entailed no undue burthens on the Dominion, and which would in the future largely increase the wealth and prosperity of the whole country. As respects the remarks made by the hon. gentlemen on the subject of the Intercolonial Railway, he explained that it was a mistake to say that all the original contractors had broken down; for a number of them, the Messrs. Worthington among the rest, had completed or were carrying on the work in accordance with their first offers. After an experience of four years the Government were in a position to say that the cost of the Intercolonial Railway would be within the sum originally estimated by them. The Government had been obliged by public opinion to accept the lowest tenders, and had not been in the same position that private companies would be had they undertaken the construction of the road. On the whole, however, the work was progressing most satisfactorily, and nine-tenths of the line would be completed before eighteen months had passed away.

Hon. Mr. FERRIER said that he had been among those who had believed from the first in the advantages of Confederation, and he was now proud to know that the results had borne him out. He had now no

hesitation whatever in saying that the construction of the Canadian Pacific Railway was absolutely necessary to the development of our Western territory, and that Canada could safely enter on its construction under the terms offered by the Government. The grant of land and money together was amply sufficient to induce reliable Canadian capitalists to engage in the undertaking with every prospect of carrying it out successfully. He calculated the land at a dollar an acre, and that would give \$20,000 a mile; that sum together with the money subsidy, of \$12,000 would make \$32,000, or £8,000 currency per mile. Now he had before him the figures of the cost of the Grand Trunk Railway, and he found that the section between Richmond and Quebec (and none of the sections exceeded the cost of that particular one) including land damages,—an important item which would be saved in the case of the Canadian Pacific—rolling stock, stations, &c., was £7,000 sterling a mile. In view of this fact, gentlemen must see that there could be no difficulty whatever in inducing companies to undertake the construction of the line. The terms offered by the Government were far more favourable than those given by the United States; for in the case of the American Pacific line the loan granted to it still lay on the road as a first mortgage. He maintained that not a single dollar more will be required for the construction of the road now offered. Similar predictions of financial embarrassment of Confederation, but we were never in a more flourishing condition than we are at present. He believed the Canadian Pacific Railway would be as beneficial to the development of the Dominion as the Grand Trunk road had certainly been.

Hon. Mr. BOTSFORD expressed his gratification at hearing the statements made by the hon. member for Montreal; for they certainly disabused his mind with respect to the cost of the Grand Trunk, and proved that the road had been constructed more cheaply than most colonial lines. It was quite clear that after the legislation of last year we had to pass a bill to this effect. He believed all the provisions of the measure were most favorable to the country, and were quite sufficient to achieve the object in contemplation. The terms, judging from the remarks made that day, were far more favourable than those given to the American lines. He congratulated the Government on the decision they had arrived at, to construct the road on a narrow gauge; and that fact alone would lessen the cost of construction and working. Under all the circumstances he con-

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sidered the bill as decidedly in the interests of the Dominion.

Hon. Mr. RYAN might refer to some details of the bill in Committee, but he must say that he thought with respect to the cost the best plan would be to strike an average between the high estimate of the hon. member for Grandville, and the very low one of the other gentleman near him (Mr. Ferrier). The House should recollect that the road had to be built in an entirely wilderness country, that supplies and labor had to be transported at a large expense. In the case of the Grand Trunk it had been built in a populous district, iron, too, was vastly enhanced in price.

Hon. Mr. LOCKE said there was little use discussing the question, inasmuch as the construction of the road was a part of the agreement made for the admission of British Columbia.

Hon. Mr. CAMPBELL regretted to hear his hon. friend opposite (Hon. Mr. Letellier De St. Just) convey the impression that this country had in the past embarked rashly in railway undertakings.

Hon. Mr. LETELLIER DE ST. JUST explained that he had merely said that there was a tendency to go beyond the estimates in public enterprises.

Hon. Mr. CAMPBELL said that there was no country which had its railways at a less burthen upon the people than Canada at the present moment. We had given a certain sum of money to the Grand Trunk Railway, and a smaller amount in the case of the Northern Road, but our total liabilities in connection with railway enterprises were insignificant compared with what they would be had we done as other dependencies, and guaranteed a certain amount upon the capital expended in constructing such works.

Hon. Mr. McDONALD (British Columbia) expressed his gratitude at the willingness displayed by the House to carry out the agreement with British Columbia in the most perfect good faith. The people of that colony, whilst believing the railway would be a great advantage to them, at the same time looked upon it as a grand national undertaking, intimately connected with the future prosperity of the whole Dominion. Looking at the harbors of the East and West, and at the vast resources of the country lying between the two oceans, it was easy to see that the railway would be of incalculable benefit to the commerce of the Dominion. He referred to Mr. Fleming's report to show the strong reasons we had for building the road, and then went on to state he had heard the remarks of Hon. Mr. Ferrier with very great pleasure, as that hon. gentleman was well understood to be

an excellent authority on matters of railway construction. We all knew that in these days of enterprise and rapid commercial development, undertakings which would not have been dreamed of a quarter of a century ago were commenced and carried out with remarkable rapidity. Even if we had only half a day's advantage in our favor, the preference would be given to our line over other routes, so great was the demand for despatch in the markets of the world. In constructing the work, we would necessarily bring in a large population to develop the country which was now a wilderness, and thereby increase the wealth of the Dominion from the Atlantic to the Pacific Oceans. The scheme of uniting the two oceans had been talked of for a century, but it was only now that it had assumed a definite shape, and was likely to become a reality.

Hon. Mr. HOLMES would not discuss the question, inasmuch as public opinion was unanimous as to the necessity of going on with the road.

The Bill was then read a second time.

SECOND READINGS.

The following Bills were read a second time:

Bill respecting Wesleyan Methodist Church in Canada.

Bill incorporating Toronto Corn Exchange Association.

Bill incorporating Accident Insurance Company.

The House adjourned, after receiving two Bills from the Commons.

HOUSE OF COMMONS.

OTTAWA, Thursday, June, 6.

The SPEAKER took the chair at 3.15 p.m.

DIVORCE.

Hon. Col. GRAY presented the report of the Special Committee on the bill for the release of John Robert Martin.

PUBLIC WORKS.

Hon. Mr. LANGEVIN introduced a bill to remove doubts under the Act respecting the Public Works of Canada. The bill was read for the first time.

TRADE WITH THE WEST INDIES.

Hon. Mr. LANGEVIN presented the correspondence relating to trade relations with the West Indies.

EXPLANATION.

Hon. Col. GRAY wished to correct a statement made in a local newspaper, that he had, in the debate the other day, said the ballot in New Brunswick had not worked well; whereas he had stated exactly the reverse.

MUSKOKA.

Hon. Sir JOHN MACDONALD presented the petition of the inhabitants of the District of Muskoka for representation in Parliament.

LOSSES IN MANITOBA.

Hon Sir FRANCIS HINCKS presented additional returns relating to claims for loss in Manitoba.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved the House again into Committee of Supply.

JUDGE JOHNSON.

Hon. Mr. HOLTON said he would now invite the judgment of the House upon the subject of the motion of which he had given verbal notice. That subject had reference to the employment for a period of nearly two years of Mr. Johnson, a Judge of the Superior Court of Lower Canada, on public duty in Manitoba, during which he had received first his entire salary as Judge; secondly, a still larger salary as Recorder of Manitoba, and thirdly, various perquisites which appeared in a return before the House. The points he would call attention to were that this payment of additional salary was in direct contravention of the law of Lower Canada, under which the Judge was appointed, and that these large payments in excess of the emolument fixed by law were calculated to impair the independence of the judiciary, he did not propose to assail the Government in any violent terms in this matter; he believed they had been led into error. It was natural to send Judge Johnson to Manitoba in view of his long experience, but he thought it was not judicious; and to have kept him there with more than a double salary, was quite indefensible. He hoped, therefore, the Government would meet the resolution by a frank statement that they had been led to error, and that they proposed remedying it in the best practicable way. He then moved as follows:—That all the words after 'That' be left out, and the following inserted, "It appears from a return now before the House that the hon. F. G. Johnson a Judge of the Superior Court in Lower Canada, received between the first of September, 1860, and the 31st of March, 1872:

Hon. Col. Gray.

First, salary as Judge, at the rate of \$3,200 per annum, \$4,800; second, salary as Recorder of Manitoba, from 3rd of September, 1870, to 1st of March, 1872, at £800 sterling per annum, \$5,818.34; thirdly, expenses to Fort Garry to organize judiciary, \$1,400; fourthly, to defray expenses of the several commissions of which he has charge, \$1,000, forming a total sum of \$13,018.34; and that in the opinion of this House these payments, so largely in excess of the emoluments fixed by law, and embracing as they do a second salary exceeding that payable by law to the said judge, and in addition thereto for the long period of nearly a year and a half, are calculated to impair the independence of the judiciary and are in contravention of the spirit of our laws designed to secure the independence of the judges."

Hon. Sir GEORGE CARTIER said the Government could not allow this motion to be submitted to a vote without an explanation from them. He would give that explanation himself, as the appointment of Judge Johnson had been made during the absence from ill health of the leader of the Government. All would recollect the hard struggle and difficulties which had accompanied the passing of the Manitoba Act in 1870. One of the provisions of that Act was that the laws and all offices at that time existing were to be continued in force until the local laws should be altered by the Local Legislature of that Province. During the discussion of that measure, they had the advantage of the presence of Judge Black, Recorder of Manitoba, who had held that office under the Hudson's Bay Company. Seeing that when the Manitoba Act came into operation, judicial institutions would necessarily have to be continued until altered by the Local Legislature. Judge Black had intimated that he was desirous of obtaining leave of absence, in fact that he had obtained leave of absence for six months, to go to England. He (Sir George) had done all that he could to induce Judge Black to remain, and had pointed out to him that it would be almost impossible for the Dominion Government to obtain the services of a Recorder having the requirements and knowledge necessary in order to carry out the Administration of Justice in that immense territory. The only promise that could be obtained from Judge Black was that he would not at once resign his office, and he (Sir George) had urged upon him that, after consulting his friends, he should return if only for a year to give time for the Legislature to re-arrange their judicial institutions. Unfortunately, however, a few months afterwards, an official letter was

received through the Colonial Secretary, advising the Government that the Judge could not continue his services as Recorder. The Government had then to look about for some suitable person to fill the office, even if only temporarily. It was then that Judge Johnson's name had come to his mind. It was known that Judge Johnson had acted as Recorder of the Hudson's Bay territory for upwards of eight years, and besides that he had for one year acted as Governor of Assiniboine, a district extending sixty miles from Fort Garry, which was the centre of the country. After considering the matter, the Government had authorized him (Sir George Cartier) to communicate with Judge Johnson. He had done so with diffidence, because it was to ask him merely to take a temporary appointment, and to go and administer justice in a province which it might be said had only just emerged from a state of insurrection. He (Sir George) had urged Judge Johnson to comply with the request of the Government, if only for one year. That was all that was wanted at that time. It was explained to him that unless the Government of Quebec would give him leave of absence, he could not be appointed, and he (Sir George) had agreed to communicate with the Government of Quebec on the subject, and the leader and Attorney-General of that Government seeing the difficulty of our position, consented to the proposition. The hon. member for Chateauguay had fallen upon an act passed in 1849, when Sir Louis Lafontaine was Attorney-General. Two acts were passed in that year, one to organize the Superior Court of Lower Canada, and the other to organize the Court of Queen's Bench; and Sir Louis Lafontaine, not liking the appointment by Governor Sydenham of Sergeant Stuart, to watch and regulate the ordinances of the special council, which then existed, put a clause in the bill in order to prevent any judge from sitting in the Legislature, and from holding any office of emolument under the Crown. This was a move, as it were, to secure the freedom of Parliament from the presence of judges, more than anything else. The Act of 1849 was a local one, applying to Lower Canada only, and if it were not for the present Independence of Parliament Act, a Judge could be elected to the House of Commons or called to the Senate. The Act in fact, was passed solely to meet the political state of things existing at that time. The member for Chateauguay relied now on the same arguments as he had used in bringing forward his motion as to the appointment of Judge Johnson as Lieutenant-Governor. But in 1852 or 1853

an Act was passed giving power to the Government to grant leave of absence to a Judge from illness, and to appoint an assistant Judge in his place during such leave. He was not amenable to the provisions of the law of 1849, but could not be deprived of his salary after the passing of the Act of 1852. The services of Judges were often required for the discharge of public duties, such as the Seigniorial Commission. And as the power to grant leave during absence was not considered sufficient to cover such cases, in 1860, power was taken to appoint assistant Judges during their absence, from illness or from other general reasons. This had been done at his (Sir George Cartier's) instance, when he was Attorney-General, and Parliament coincided on the reason given, viz., that it might happen that the services of a Judge might be required for some public duty which might be consonant with his judicial duties. He would not discuss whether the law were right or wrong. The question as to leave of absence, was for the Local Legislature. With regard to the employment of Judges he would again allude to the appointment of Judges Caron and Morin in the codification of the laws of Lower Canada. It might be said that there was a law passed authorizing it, but it was passed merely to provide a larger salary; that was all, as the law as to leave of absence could have covered the case so far as their employment was concerned. He then referred to the objections of Judge Lafontaine in the case just alluded to, who, however, on a case being pleaded before him, had to acknowledge that the Government had the power, and Judge Mondelet held the office of assistant Judge for five or six years, and no one had challenged the legality of his Act.

Hon. Mr. HOLT—Did he get two salaries?

Hon. Sir GEORGE CARTIER—No, but then he was not asked to go to a country where there was an insurrection. The appointment of Judge Johnson was to some extent necessary, inasmuch as even in that country no such proper person could be found. It was necessary that the appointment should be filled by some one who could speak French and English, and who should be acquainted with what had been done with the Hudson Bay Company as the governing power. When the Judge was told that his services were wanted, he asked what salary he would receive, and he was told that he would receive that allowed by the old law to the Recorder, which was equal to about £300 sterling. Judge Johnson was also instructed that he would have to enquire into the state of

the law with a view to the criminal law necessary to be introduced into Manitoba and the North West, and that he would have to act as Recorder both for Manitoba and the North West. The appointment was made, and had now lasted for some twenty months, and it was only a few days ago that the member for Chateauguay fell accidentally on some statute, and thought he had caught a tartar.

Hon. Mr. HOLTON—I think you have caught a tartar.

Hon. Sir GEORGE CARTIER—No. He had now shown the legality of the appointment of a recorder.

Hon. Mr. HOLTON quite agreed with that, but the appointment was contrary to the law of Lower Canada by which he occupied his position as Judge, and therefore that position was voided.

Hon. Sir GEORGE CARTIER—The hon. gentleman was wrong, as the law he referred to had been amended. The appointment had only been made for a year, and every one, both inside and outside of the House approved of it; and last year, when the item came upon the estimates for the administration of justice in Manitoba, he distinctly stated that the amount would have to cover Judge Johnson's salary. There was now an act before Parliament providing for the appointment of Judges in Manitoba, agreeing with the act only recently passed by the Legislature of Manitoba, and when that act became law, Judge Johnson's appointment would cease. The member for Chateauguay admitted that no better appointment could have been made, and therefore, as there was no question as to the legality or usefulness of the appointment, the only objection left was as to the money. Would any member in his senses imagine that Judge Johnson would have consented to leave the quiet discharge of his judicial duties and go to a country which had just emerged from trouble, where there were so many difficulties, and where the cost of living was so high, if he had been told that he must give up his salary as Judge? Judge Johnson, however, went, and after enquiring into the state of the law, he furnished the Government with the most useful suggestions as to the criminal law required for Manitoba, which was carried out but last year. He was not there because he chose, but he accepted the appointment on being requested to do so as a patriot and public man. He had discharged his duties well, and the work having been well done the objection of money should not be raised. Had not an immense amount been spent in military expeditions and in making roads, and now when in the

discharge of duties the most delicate and difficult, the Judge had acted so well, why should the money be objected to? In addition to this, the double salary was not the act of the Government only, but of the Parliament which had voted the necessary money to pay an assistant Judge, and also for the administration of justice in Manitoba, which was understood to include the payment of Judge Johnson's services there. The action of the Government had therefore been endorsed by Parliament, and he had no doubt but the House would give the vote which the Government expected from its supporters. The motion was a vote of want of confidence, and he therefore desired to bring the matter before the House so that the friends of the Government could see whether the Government had not acted well.

Hon. Mr. DORION could not understand the legal argument of the Minister of Militia, and he did not see how the cases he referred to bore upon the subject in hand. He would not follow the circular line of the argument the hon. gentleman had adopted, but would quote the plain law, and hoped the Minister of Justice would state his view of the matter, as the question came peculiarly within his province. The law provided that no Judge could hold any other office of profit under the Crown so long as he continued to be a Judge, and he maintained that, if Judge Johnson ceased to be a Judge, he had no right to receive a salary for that position; and if he did not cease to be a Judge he could not hold another place of profit. He hoped those who desired to do right, and who desired to prevent the administration of justice being interfered with at the caprice of the Government, would not accede to the appeal of the Minister of Militia. He maintained that the cancellation of the appointment was an admission by the Government that it was illegal, as if Judge Johnson was the best man for the position, and the appointment was legal, why was it cancelled? Judge Johnson himself, speaking of the matter, seemed to admit the illegality of the appointment, and he quoted from a report of a speech recently made by the Judge in Manitoba, reported in the *Toronto Mail*. When his hon. friend the member for Chateauguay, received the assurance that the appointment had been cancelled, he certainly understood that Judge Johnson should not be continued in another office. It was from no ill-feeling towards Judge Johnson that this motion had been brought forward, for every man in Lower Canada held him in consideration, but it was simply in fulfilment of a public duty in order to point out that the law

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had not been complied with. The motion raised by question was whether Judge Johnson should receive two salaries, or whether a sum amounting to more than \$13,000 should have been paid to him in eighteen months, being, in addition to his salary as a judge, more than had been received by the Governors of Ontario, Quebec, New Brunswick or Nova Scotia. The argument of the Minister of Militia that the Government had a right to give Judge Johnson leave of absence, and then, during that leave, to appoint him to another office, was a contradiction of the special provisions of the law. He (Mr. Dorion) had read in contravention of the letter and spirit of the Act to secure the independence of the Judges. He contended further that the motion was not a motion of want of confidence.

Dr. SCHULTZ was afraid the hon. member for Hochelaga had been led into error as to the views of Judge Johnson by the telegram that had appeared in the *Toronto Mail*. That telegram might have given an incorrect report of what he had said. He (Dr. Schultz) had an opportunity of conversing with Judge Johnson while he was on his way to Manitoba, two days after his appointment had been cancelled. On that occasion he had stated distinctly that there were no good grounds for cancelling it. He had said, however, that he was only too glad it had been done, as he did not like the Province as a place of residence, and had only accepted the appointment to oblige the Government. This conversation occurred at Breckenridge about a month ago, while Judge Johnson was on his way to the Province. He (Dr. Schultz) could not allow the debate to pass without stating what he knew to be a fact, that Judge Johnson's appointment as Lieut.-Governor would have been most acceptable to the people of Manitoba. As Recorder he had had a most difficult task to discharge, but he had performed his work well. If he had received a salary in addition to that which he derived from his judgeship in Lower Canada, there were many circumstances, such as the high price of living and other extra expenses, which fully warranted the Government in paying the additional sum. (Hear, hear.)

The House then divided on the amendment, which was lost on the following division:—Yeas, 58; nays, 92.

The House then went into Committee—Mr. STREET in the chair.

The Militia estimates were then taken up. On the item, \$33,740 for salaries of military branch and district staff,

Hon. Sir GEORGE CARTIER said the contemplated expenditure for the next

year was the same as last year, with the exception of \$49,000, which additional sum was necessary to meet the expenses of the enrolment of the militia that was to take place under the Militia Act next March. The enrolment of the entire militia of the country was a necessary proceeding. The number of men in the several classes of the country had to be ascertained; but the enrolment was useful in another respect; it indicated the total population at shorter intervals than at which the decennial census was taken. The last enrolment had been of service in that it proved the correctness of the census. That enrolment had been made two years ago, and it showed the aggregate number of militia men in all the Provinces to be 694,000. Of these 321,000 were in Ontario; 222,000 Quebec; 59,000 New Brunswick; and 84,000 in Nova Scotia. If these figures were multiplied by five—the enrolment of militia being about one in five of the population—it would give a total of 3,472,000, which was almost the same number that had been returned by the last decennial census. When the comparison was made in regard to each of the Provinces, the remarkable correspondence between the figures of the enrolment and census would be further observed. Take Ontario for instance. Ontario, the population of which, according to last census, was 1,620,000; the last enrolment showed the total number of militia men to be 321,000 which, multiplied by five, gave a total of 1,600,000; the difference being so small as to prove the accuracy of the census. In Quebec the enrolment gave an aggregate of 222,870; which, multiplied by five, gave a total of 1,114,000, or very nearly the figures of the census. In New Brunswick the enrolment gave a total of 56,923; which multiplied by five, made 299,000; while the population by the census was shown to be 285,000. In Nova Scotia the militia enrolment showed 84,000; which, multiplied by five, gave 420,000, while the census gave the population at 387,000. He thought the comparison would be accepted by the committee, because it showed, as he had stated at the outset, that the militia census was useful, not only as checking the decennial census, but as giving at shorter intervals an approximate estimate of the total population of the Dominion. There were two batteries of artillery organized, one at Kingston and one at Quebec, numbering about 200 men—100 at Kingston, and 130 besides officers at Quebec. That at Kingston furnished twenty men to garrison the fort at Toronto, while that at Quebec supplied twenty men at Montreal, and ten at

Levi to take care of the fortifications handed over to the Dominion. For the small sum of money asked the country was obtaining a very useful service. Besides two batteries there were 300 men in Manitoba, about seventy of whom were entitled to their discharge, and would have to be replaced, so that the garrison at Fort Garry should be maintained at 300 men. Thus the number of men under arms was about 540 men.

Hon. Mr. MACKENZIE—That is the standing army. (Laughter.)

Hon. Sir GEORGE CARTIER—Yes, and he must acknowledge that they had not in the whole force a more zealous or gallant officer than the member for Lambton. The beginning, though small, was a good one. The training in camp last year had had a most beneficial influence on the organization of the active militia, which consisted of about 43,000 men. Last year arrangements were made for 18,000 or 20,000 men to go into camp, but 23,000 men actually went, and there were complaints that the remainder were not able to take part in the training. This year the Government intended to provide for 10,000 additional men, and this increase was the amount to be voted. Out of 45,000 it was proposed that 33,000 should go into camp, so that there would be no room for complaint from officers or men that they could not participate in the generosity of Parliament. When the estimates were under discussion last year he explained that the Government had purchased stores and ammunition from the Imperial Government at a cost of about £160,000 sterling, and that it was arranged to pay that amount in three equal annual instalments of \$270,000. Already one instalment had been paid, and a smaller sum was included in the estimates, and would have to be so again. But he desired to mention that the total amount of the vote asked represented more than the annual expenditure by \$270,000, and every one who at all understood the difficult question of the defence of the country would agree that, with the money placed at the disposal of the Government, they did as well as any other country. The former Adjutant-General, the gallant Col. McDougall, who, to the satisfaction of all who know him, now occupied such an important position in England, and than whom no one took more interest in the progress of the militia of Canada, had written to him (Sir George) saying that his Canadian experience was of great service to him in reporting to the Imperial Government on the organization of the army. He would not now go further into the matter, but as the items

came up separately, he would be happy to give any explanation that might be asked.

In reply to Mr. BLANCHET, Hon. Sir George added that the intended promotion of the Adjutant General and Deputy Adjutant General, as authorized last session, was under the consideration of the Government, and he hoped that very soon the intention of last session would be carried out, as the promotions were no doubt necessary to correct anomalies that now existed; in addition the necessity in a military sense, each officer deserved the promotion from the manner in which his duties had been discharged.

Hon. Mr. MACKENZIE asked in what way the Imperial works were to be maintained?

Hon. Sir GEORGE CARTIER said the item of \$12,500 for the care and maintenance of properties transferred from the Ordnance and Imperial Government was intended to cover the expenditure in question. As yet, many repairs had not been needed, as the Government did not intend in any way to increase the fortifications at present, but simply to maintain what now existed in good repair.

Mr. CARTWRIGHT asked whether the amount of \$50,000 asked to provide for 10,000 additional men going into camp for sixteen days was not very inadequate.

Hon. Sir GEORGE CARTIER said the only additional item necessary on their going into camp was their rations, which cost about twenty cents a day per man. In reply to Mr. Koss (Prince Edward), he added that, as to the formation and composition of the camps, a meeting had been held, at which all the District Adjutants General were present, and the conclusion arrived at was that no battalion would be forced to enter camp, but that if any declared that they desired to be exempted they could be so.

The committee then rose, and it being six o'clock the House rose.

AFTER RECESS.

COPYRIGHTS.

A bill was received from the Senate to amend the law with respect to copyrights.

Hon. Sir FRANCIS HINCKS said the object of the bill was to protect the copyrights of English authors in Canada. It was in the interest of authors rather than in those of the London publishers, and was approved by some of the most distinguished writers, among them, Froude and Carlyle, whose opinions upon the subject he read to the House. It was important that the authors, who were now at issue with

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the publishers, should be kept on the side of Canada as they were now, because they believed the law proposed would protect their interests. He moved the first reading of the bill.

The motion was carried.

RAILWAY BONDHOLDERS.

Hon. Col. GRAY moved the House into committee on the bill to do justice to the bondholders in the case of the Houlton Branch Railway Company of New Brunswick. He said that upon the second reading a discussion had taken place upon the constitutional point involved in the bill. This difficulty he proposed to get rid of by making two amendments, first, by declaring, *ex post facto*, that the debentures issued by the town of St. Stephen were good, the other giving power to the Local Legislature to pass an act legalizing the debentures.

Hon. Mr. MACKENZIE and Hon. Mr. WOOD objected that no such power could be given by Parliament, and upon the suggestion of Hon. Sir John Macdonald the bill was allowed to stand over.

FRONTIER RAILWAY COMPANY.

The amendments made by the Senate to the Act to incorporate the Quebec Frontier Railway Company were read a second time.

THIRD READINGS.

The following bills passed the preliminary stages and were read a third time and passed:—

Act to incorporate the Northwest Company.

Act to amend the Act of Incorporation of the Western Insurance Company.

Act to incorporate the Imperial Guarantee and Loan Society.

Act to incorporate the Canada Improvement Company.

Act to incorporate La Banque Ville Marie.

Act for granting certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.

Act to amend Act incorporating the Canada Central Railway Company.

Act to incorporate the Quebec Pacific Railway Company.

SUPPLY.

The House then went into Committee of Supply, on the militia estimates, Mr. Street in the chair.

Hon. Mr. HOLTON had desired to elicit some expression of the policy of the Government. He had hoped that as the pas-

sage of the treaty would establish perpetual amity with the neighboring country, the Government would have reduced the estimates by at least two thirds, and that they would have saved enough on the militia estimates to neutralize the burden of the construction of the Pacific railway. Then there would have been tangible results from the Treaty. They ought to diminish their Militia expenditure. What had it done for them in the past? What was it doing? What would it do in the future? What need was there for it? It was not only actual expenditure, but the young men were taken from the industry of the country at a great sacrifice. The whole thing was an unmixed evil, without any compensating advantage. He had hoped the Government would reduce the expenditure to a maximum of \$500,000, which would be quite sufficient to maintain a skeleton organization, with a view to increasing it on emergency. Perhaps at another stage he would take the sense of the House on the question.

Hon. Sir GEORGE CARTIER said the hon. gentleman was raising a large question. As his remarks showed he was opposed to any organization of the militia strength in order to maintain peace throughout the Dominion. Taking into consideration the immense extent of territory, the sparse population, and the large number of Indians, estimated at 180,000, the idea that a nation could be formed or the peace maintained without the assistance of a militia force was so childish and unmeaning that it required no reply. The words of the hon. member, however, would be repeated outside, and therefore, weak as they were, and unavailing as they were, they must have some answer. The idea of a nation not even providing for internal peace was absurd. What was being done this year was only a continuation of a system that had been going on for five or six years. In 1865, when the deputation went to England, it was there agreed that the late Province of Canada should spend for the defence of the country, at least \$1,000,000 yearly. Since then the Dominion had been formed by the addition of all the other provinces and the great North West; yet the present expenditure, deducting the amount to be paid to the Imperial Government on the purchase of stores, \$270,000, only amounted to about \$1,200,000, \$200,000 more than was agreed to be spent by the old Province of Canada, alone. The united organization was a peace establishment necessary for the maintenance of internal peace, and there was no more reason to reduce the expenditure now than there was two or three

years ago. The member for Chateauguay said no advantage at all was derived. Well, the hon. gentleman was rather of a frozen temperament, and could not realize the enthusiasm of the men of the militia and officers, among them of his neighbor, the gallant Colonel, the member for Lambton, who was one of the most energetic of volunteers. Then again, there was the gallant Colonel Ross, of Prince Edward, belonging to the same political party, who, when the pay was not forthcoming was so gallant and generous, that he paid his own men to enable them to answer the call of the country. There were numbers like these, and the member for Chateauguay should ask them whether what they were doing was no good. It gave an opportunity throughout the length and breadth of the country of showing the militia enthusiasm, and it was most useful in order to maintain the peace of the country, and to give character and zeal to the institutions of the country. He referred to the efforts being made in England where all energies were being directed towards the reorganization of the army to make it more efficient. In the case of Prussia it was shown what was the advantage of having a good militia organization, and though France was yet bleeding, she was reorganizing in order that her further existence as a nationality should not be put in jeopardy as it very nearly was in the recent struggle. The hon. gentleman stated that it was a loss that the young men should be directed from their occupation, but the young men were willing to do so, and they should not be met in their patriotism and zeal by such expressions as those which had fallen from the member for Chateauguay.

Hon. Mr. MACKENZIE said our militia system had been so far one of expediency, and it could not be said to be based on any principle. We found an almost universal desire expressed for the ballot, and there could be no question that that was the fairest mode of obtaining militia service. At the same time there was a feeling against anything like a conscription. He was unable to form an opinion as to the particular mode in which the service should be conducted. It was necessary to have a certain body of active militia. The force has been maintained to a great extent by the excellent spirit prevailing among the people. While thousands of our young men entered the service purely from patriotic motives, many entered in a spirit of frolic and from a liking to play soldiers. It was necessary, therefore, to consider whether it was possible to maintain the force without recourse to the bal-

lot. He was not disposed to take very decided ground with regard to it. The hon. gentlemen had reasoned that, from new relations consequent on the Washington Treaty, there would probably be no necessity for frontier duty. If that were correct, a much smaller body of men would serve the purpose, and that small body might be maintained more efficiently. As to the annual drill of sixteen days, the whole force should be required to perform it, and it should not be optional with individual bodies to do eight or sixteen days as they might choose, as that would tend to weaken the force. A rule should be laid down peremptory on the point to apply to all. He advocated an increased rate of pay with a reduced force, so as to render the service more popular, as men could not be expected to sacrifice their time. He disapproved of the system of the periodical numbering of men liable to service. There was an objection in it.

Hon. Sir GEORGE CARTIER—We want their names.

Hon. Mr. MACKENZIE—Their names could be obtained in Ontario at all events from the assessment rolls. The policy of the Government in not proposing to spend any money on the construction of fortifications without consent of Parliament was good. He was glad of it, and he was under the impression that the present fortifications were useless, and if the Americans set their hearts on the Kingston fortifications they could not be prevented from taking them. While perhaps it might be necessary to have a body of men to take charge of those fortifications he disapproved entirely of organizing a standing army, and would oppose any vote for such a purpose. He thought six months instead of twelve was sufficient for instruction in artillery practice.

Mr. ANGLIN protested against the doctrine that the young men should be compelled to attend camps at inconvenient seasons, and did not approve of the system of ballot as a sufficient number of volunteers could be obtained without it. As to the principal number of camps, he was bound to approve of it, as it was a system which he had advocated in New Brunswick. He enquired as to the position of the question of taking over the Imperial property at St. John, which he considered ought to revert under the terms of the charter to the city.

Hon. Sir GEORGE CARTIER explained that the militia system was based on a purely voluntarily principle, and the ballot would only be resorted to when the former failed to procure the number of men required. If the ballot system were

Hon. Sir G. Cartier.

adopted there would have to be a register of all men fit for service. No doubt a majority of assistant adjutants general were in favour of the ballot, but he was happy to say there was no present necessity for it (hear, hear.) It might prove to be necessary in cities and other localities where heads of large commercial establishments tried to prevent their employes from enlisting, and it ought first to be employed in such cases to that employers themselves might be withdrawn, and they would not then prevent their employees from joining. In the rural districts the men came forward voluntarily. As to the enrolment system, he did not believe the assessment roll sufficient for the purpose, as it would be necessary to have a roll of service men that could be depended on. The disorganization of the French army was owing to the defective enrolment. He had not been aware of the existence of any camp system in New Brunswick, and certainly had not borrowed his ideas from that Province. As to the Imperial property at St. John, he explained that it was claimed by the city, while the Dominion held that it was competent, under the charter, for the Imperial Government to transfer it to them for militia purposes, and the matter was not yet decided.

Mr. ROSS (Prince Edward) disapproved of the sixteen days' drill at a time when men were most required in the country. He thought they should be drilled at some more convenient time of the year, and maintained that the pay should be increased to \$1.25 per day, and that they should be supplied with canvass frocks for the warm weather.

Hon. Sir GEORGE CARTIER said he would increase the pay readily if it were in his power, but the matter rested entirely in the hands of the House. He was quite aware that volunteers had to suffer many hardships, but his advice to them was to wait patiently. The system was growing, and the country was beginning to understand that fifty cents a man per day and rations was very insufficient, and he hoped that the opinion on this point expressed by the members for Lambton and Prince Edward would soon extend over the country, and that before long, when public opinion was ready, he might be in a position to increase the pay, and when that time came he would be quite ready to act in that way.

Mr. JOLY thought the volunteers deserved all sympathy, and the expressions of the Minister of Militia must give them hope that their pay would be increased. He thought, however, that their comfort

might be very much increased by a little care and attention. In the camps frequent complaints were heard of small discomforts which might easily be removed, but which created greater discontent than the small pay. He believed that the Minister of Militia acted to the utmost of his abilities, but greater attention on the part of his subordinates would remove many grounds of complaint, as he believed the numbers and the enthusiasm were decreasing on account of the want of attention to their wants.

Hon. Sir GEORGE CARTIER said last year the matter was on its first trial, and evils would be removed as experience brought them to the surface.

Mr. SPROAT denied that there was any decrease in the number of volunteers in consequence of inattention to their comforts on the part of subordinate officers of the camps. He took a deep and warm interest in the volunteer movement, and so far from believing that the force was falling off, he believed that, under the able management of the present Minister and Adjutant General, it was improving, at any rate in the section of the country to which he belonged. He did not think there was any ground of complaint against the department, and in many battalions where complaints had arisen they were owing to a great extent to want of activity and attention on the part of the commanders of these battalions. It would be well, perhaps, to grant a larger amount of rations than last year, as our volunteers from rural parts required more food than was served out to regular troops. The only complaint made at Goderich, last year, where 4,000 men were in camp was that the rations fell short.

Mr. OLIVER complained that the 22nd Battalion, Oxford, had been unjustly treated in the Adjutant General's report, by being represented as inferior to the 23rd Battalion, when the figures given in another part of the report showed that the companies of the 22nd Battalion mustered stronger in camp.

Hon. Sir GEORGE CARTIER said there might have been some error in printing. If there was a complaint, it should have been represented to the Department.

Mr. ROSS (Victoria, N.S.) complained that letters written to the Department had remained unanswered.

Hon. Sir GEORGE CARTIER could not believe there had been any inattention, but would make enquiries.

Mr. OLIVER contended that if a complaint was made in Parliament it ought to be sufficient to compel attention without

being under the necessity of entering into correspondence with the department.

Mr. BOWELL thought that, in order to maintain the force in an efficient state, some other plan must be adopted than that of volunteering. The opinion of many good officers was that it would be necessary in the end to adopt the ballot system, the conscription, in fact, though he knew that it would meet with strong objection. As to complaints that had been made against employers, he took exception to their being called selfish because they refused their men permission to turn out on certain occasions for drill. He knew that in past times of excitement and danger many employers had not only allowed their men to turn out, but had continued their wages during their absence.

Hon. Sir GEORGE CARTIER said his remarks did not apply to the whole body of employers; only to some few in Toronto, Montreal and other places.

Mr. BOWELL thought that in any case they could not properly be called selfish, for of course they might be put to great inconvenience and loss by the absence of their men at certain seasons. The only equitable plan would be to compel the employers themselves, as well as everybody else in the community who was qualified, to turn out and do duty. If it was desirable to keep up an efficient force, and he was not of those who held that it was not, every man should be compelled to do his share. At the risk of unpopularity, he would say that the pay of volunteers should not be increased. The country could not afford to pay for this service the same rates as were ordinarily paid for labor, during camp instruction. He believed it would be sufficient if camps were assembled once in three years, instead of annually as at present. Company and battalion drill at home, where it was continued systematically, made the men more effective than camp duty for a couple of weeks in summer, and answered every purpose. Hoped the Minister of Militia would return to the old system of company drill more frequently, and camp instructions at intervals of three years. He was one who believed that the force should be maintained in the highest attainable state of efficiency; but they all might differ, and honestly differ, as to the manner in which that should be done. If the force was to be merely a force for display, if it was to be so organized as to exist only about a month before the annual encampments, and to dissolve into thin air, it would be of very little value. The best plan to prevent this would be the plan

he had proposed some years ago, to divide the country into battalion, regimental and company divisions, and to require each division to make up its quota of men for active service. By that means a really good and effective force would be obtained, and until it was adopted there would be always difficulty and dissatisfaction.

Mr. BROWN (Hastings) said nothing could more dampen the enthusiasm of the volunteers than the manner in which they had been treated in camp. Last year the rations provided were insufficient, and there were articles wanting, such as butter and milk, which the men were in the habit of using, and which it was a serious deprivation to be without. Dry bread and coffee, without milk, were hardly sufficient to preserve the stamina of men for a hard day's work. A great deal of complaint had been made on this score, as well as with regard to other arrangements of the camps, and if there was not a general improvement very few men comparatively would turn out in future.

Mr. FRANCIS JONES said the volunteers had acted nobly in the past years, and it appeared remarkable to him that they should have shown so much spirit when the manner in which they had been treated was taken into consideration. He did not agree with the hon. member for West Hastings in regard to the ballot, which in his (Mr. Jones') county, and he believed generally, could not be enforced unless with the aid of regular soldiers. With regard to rations and treatment in camps, it was a mistake to confine the men to the same diet, and subject them to the same stringent discipline as regular troops in England. There ought to be some relaxation, and the force would be none the worse on that account. Indeed a great error had been committed by the introduction to such an extent of gentlemen from England to manage our volunteer force.

Mr. THOMPSON (Haldimand,) pointed out that the effectiveness of the force was greatly impaired by men putting substitutes into the ranks for service in the encampments. The camps were thus made of doubtful utility. In many cases, he did not doubt, that battalion drill had done more good than camp services. He had been told upon good authority at the camps, especially after the arrival of the Minister of Militia, there had been a good deal more fuss and feathers than real useful work. (Laughter.) If the Minister paid more attention to the internal arrangements and management of these camps than he did, the interesting camp behind

Mr. Oliver,

him in this House would be much better. (Laughter.) At Windsor last year the camp was opposite a large city where there was a great deal of immorality, and where many of the men had contracted diseases which they would perhaps never get rid of. If the Minister would look into that matter with a view to preventing the men's being exposed to such dangers in future, he might perform good service to the country. Item passed.

On the item of \$75,000 for contingencies and general service including assistance to Rifle Associations.

Hon. Sir GEORGE CARTIER said the Government proposed to devote \$4,000 towards paying the expense of sending twenty men to compete at Wimbledon instead of giving the money to the Dominion Rifle Association as heretofore.

Mr. STEPHENSON complained of the manner in which the regulations had been framed. They excluded the best shots from the rural parts and confined the number to be sent to England to men from Toronto, Montreal and other cities. He thought injustice had been done to the country places.

Mr. BOWELL predicted that the experiment would prove a failure, and before it was resolved upon, would take the sense of the House upon it. He agreed with the hon. gentleman that many good shots from the country had been shut out, and did not think that \$4,000 should be appropriated merely to send a few gentlemen to England from Toronto, Montreal and other cities.

The item passed.

On the item of \$20,000 for gunboats,

Hon. Sir GEORGE CARTIER, in reply to Mr. Mackenzie, said it was proposed to rebuild the gunboat *Rescue* which was now in course of repair.

The item passed together with the remaining items under the head of militia.

The Public Works estimates were again taken up. On the item of \$225,000 for harbours on lakes Erie and Huron,

Mr. CAMERON (Huron) said that from the unskilled manner in which the work had been done the Government were under the necessity of doing it over again. The dredging had drifted back into the excavations owing to the work having fallen into the hands of men who were not skilled in such work.

Hon. Mr. LANGEVIN said that blunders might have been committed. Contractors were as liable to such things as other people. As his attention had been again called to the matter, an engineer would be sent to enquire into it.

The item passed.

On the item of \$12,000 for tug service between Montreal and Kingston,

Hon. Mr. MACKENZIE said he could not understand the necessity for this vote. The trade of the river ought to pay for itself.

Hon. Mr. LANGEVIN explained that this vote was to encourage the navigation of the St. Lawrence, one of the conditions being that they should tow at certain rates.

Hon. Mr. MACKENZIE maintained that it was not necessary and thought it was not defensible.

The item passed.

On the item of \$15,000 for Kingston Penitentiary,

Hon. Mr. MACKENZIE asked whether any person had been removed from this Penitentiary to Lower Canada. He thought these institutions should yield a revenue as in other countries.

Hon. Sir GEORGE CARTIER said the Penitentiary was overcrowded; but the Government were preparing to remove as many as possible to the penitentiaries to be constructed near Montreal.

The item was carried.

On the item of \$9,000 for directors for Penitentiaries,

Mr. ANGLIN thought that those gentlemen could not have work enough, and as vacancies occurred they should not be filled.

Hon. Sir GEORGE CARTIER said it was intended to increase the number of penitentiaries in the Dominion, and their services would be necessary.

Hon. Mr. MACKENZIE thought it unlikely that an officer would be sent to British Columbia for that purpose. One officer did the work in connection with all the prisons in Ontario, and he agreed with the member for Gloucester that there was not work enough for them. He advocated a system of local inspection to do away with the necessity for travelling expenses.

Hon. Dr. TUPPER said that these officers had important duties to perform. They had to look into the complaints of the prisoners, and it was better that a responsible board at head quarters should be charged with the duty.

The item carried.

The Committee then rose and reported, and the House adjourned at 12:45.

SENATE.

FRIDAY, June 7, 1872.

The SPEAKER took the Chair at 3 o'clock.

Bills respecting Canada Agricultural Insurance Company, Sorel Board of Trade, Halifax Banking Company, and Levis Board of Trade, were read a third time and passed.

AGRICULTURE.

Senator WARK made the following motion, and urged the necessity of stimulating agriculture by reference to the steps taken in that direction in other countries, private enterprise had done much to improve farming in England, but our circumstances were different, and it was best to follow the example of the United States. In each State there were local boards assisted by grants of public money. Some years ago, in 1862, an Act was passed by Congress to establish a Department of Agriculture, the duty of which is to promote the interests of agriculture by circulating important information, collecting statistics, distributing seeds and plants, and so on. The Commissioner had to make annual reports and direct and control the expenditure of money voted by Congress for the promotion of agriculture. He referred to the last report of the Department, and showed how extensive was the staff of the Commissioner and the value of the work that it accomplished. We could not yet expect to do all that they were doing in this particular in the United States. For instance, an Act had been passed to grant public lands for the establishment of colleges in each State for the education of the people in agricultural and scientific subjects. In Canada we should expect the Minister of Agriculture to devote henceforth more attention to an interest which has never yet received the consideration it should. Statistics ought to be collected with the view of informing mercantile men and the people generally as to the state of the crops. He would also have information, at the same time, gathered in connection with the fisheries. He would also establish a system of scientific experiments with the view of showing causes of exhaustion of the soil, and otherwise educating the people as to the best mode of farming. He was afraid that unless the system of agriculture is changed in Canada and the United States, the land in many places will be thoroughly ruined, and the country impoverished in the course of time. The exodus of population from Quebec to a certain extent might be traced to this very cause. The question was well worthy of the attention of philosophers and statesmen, whether we could not arrest this impoverishment of the soil. The fisheries of this country

Hon. Mr. Wark.

had received more consideration than the agricultural interest at the hands of the Government. Commerce was assisted by building canals and improving navigation. Looking at the large number of persons engaged in agriculture, the capital embarked in its pursuit, and the value of agricultural products, it was time that the Minister of Agriculture should turn his attention to the subject. He would therefore move

That the importance of the agricultural interests of the Dominion renders it desirable that such measures should be adopted as will enable the Minister of Agriculture to make the advancement of that great source of national wealth the leading object of his Department.

Hon. Mr. WILMOT in seconding the motion, said that there was no doubt that the Minister of Agriculture should really get up some return more interesting to the farming interest than that he annually issued. He referred to the census of 1861 to show the importance of the agricultural interest as compared with other branches of industry in this country. He urged the collection and dissemination of such information as would promote agriculture.

Hon. Mr. BUREAU referred to the Agricultural development of the Province of Quebec and showed that it compared most favourably with other countries.

Hon. Mr. LETELLIER DE ST. JUST quite agreed as to the importance of the question, but it was a mistake to say that there was an inferior system of agriculture or an inferior soil in Quebec.

Hon. Mr. WARK explained that he said that it was not improbable that many families had been forced to leave parts of Quebec as well as the New England States on account of the soil having been exhausted by an injudicious system of agriculture.

Hon. Mr. LETELLIER DE ST. JUST was glad to hear the explanation, and went on to say that the motion was not sufficiently explicit and appeared to reflect on the Minister of Agriculture. He thought the resolution should be more specific, and define what duties should be undertaken by the Department.

Hon. Mr. CAMPBELL said that he agreed with his hon. friend opposite that no practical object could be effected by the passage of the motion. He supposed that the honourable gentleman had attained his object by drawing the attention of the House and country to a very important question, and would not press his resolution which could at present have no prac-

tical effect, and seemed to reflect somewhat on the Department.

TEA AND COFFEE DUTIES.

Hon. Mr. CAMPBELL moved the second reading of the bill to repeal the duties of customs on Teas and Coffees.

Hon. Mr. RYAN said that he had seen it stated that the United States Government in taking of the duty from tea had excepted teas imported from any place eastward of the Cape of Good Hope.

Hon. Mr. CAMPBELL said the hon. gentleman with his usual accuracy had stated the fact. The Government were considering the matter and would be prepared to deal with it.

FRAUDULENT MARKING.

Hon. Mr. CAMPBELL moved the second reading of the bill from the House of Commons with respect to fraudulent marking of merchandize, almost a transcript of the English law on the same subject.

PRINTING.

Hon. Mr. LOCKE moved adoption of fifth report of the Joint Committee on Printing, ordering printing of certain public documents, &c. Carried.

CANADIAN PACIFIC R. R.

House then went into Committee on the Bill respecting the Canadian Pacific R. R.

Hon. Mr. BENSON in the chair.

An amendment was made, on motion of Hon. Mr. RYAN, to the 3rd clause.

Committee rose and reported.

The report was adopted, and the Bill was read third time and passed.

DUAL REPRESENTATION.

Bill from the House of Commons respecting Dual Representation was made Order of the Day for Monday, as it was not printed in French.

BOARD OF TRADE.

Bill from the House of Commons incorporating St. John Board of Trade was read second time and referred to Committee on Standing Orders and Private Bills.

A large number of Bills were received from House of Commons.

House adjourned until Saturday evening, at half-past seven.

HOUSE OF COMMONS.

FRIDAY, June 7th, 1872.

The SPEAKER took the chair at 3.15 p.m.

MISCELLANEOUS.

Mr. CAMERON moved that an index of the journals be continued from the time of the last index.

Hon. Sir GEO. R. CARTIER presented the report of the Committee on Railways, submitting two acts of incorporation for building the Pacific Railway.

Mr. ABBOTT asked before the orders of the day were called, whether there was any definite information respecting the Treaty of Washington.

THE TREATY OF WASHINGTON.

Hon. Sir JOHN A. MACDONALD said there was a telegraphic communication to the Associated Press which contained most satisfactory information. A communication from General Schenck to Lord Granville had been considered so satisfactory, that the announcement was received with cheers in the House of Lords, and Earl Russell had withdrawn his motion. (Cheers).

PRINTING.

Mr. SIMARD complained that no report had been received from the Printing Committee on Mr. Taylor's contract for printing. (Cries of order.)

The Speaker ruled him out of order in speaking of what had taken place in a committee.

GREAT WESTERN RAILWAY.

Hon. Mr. CAMERON, (Peel,) moved the first and second reading of the amendments by the Senate to the Great Western extension.—Bill carried.

PATENT ACT.

Hon. Mr. POPE moved the third reading of the Act respecting patents of invention. He said the House desired that the bill should include patents taken out during the last five years. He must submit, but he was opposed to it.

Mr. CURRIER thought we should not go back more than twelve months. If any patents had been worth taking up, they would have been taken up.

Hon. Mr. CHAUVEAU did not see why we should make any restrictions as to the time. Old patents were just as good as new ones, and there was no reason why a man should be restricted from buying an old patent. He would therefore move in amendment, that the following be substituted for the 7th Clause: "No patent obtained for an invention patented in another country, shall operate against any bona fide manufacturer of the patent article in the Dominion at the time of the passing of the

bill, and such patent shall expire at the same time as the foreign patent; unless the latter is renewed, in which case it shall exist as long as the next patent."

Hon. Mr. MACKENZIE thought it would produce a bad effect to go back a number of years. Parties who had begun to manufacture under a patent should be protected. The amendment suggested by the hon. member for Quebec, would never be carried by the House, and it was scarcely fair to introduce it now after the subject had been discussed. If it were pressed he would oppose it to his utmost.

Mr. CAMERON, (Huron,) hoped the amendment would be accepted. He was satisfied with the bill generally, but it did not go far enough, and he saw no reason why the time should be limited to twelve months.

Mr. COLBY agreed with the hon. member for Huron. We had been doing ourselves an injury by withholding privileges with regard to patents. The principle having been adopted, he saw no reason why the time should be limited. Full scope should be given as in other countries, in order to test its advantages. If there were danger that it would interfere with existing manufacturers in this country. It should not be adopted, but the amendment, in fact the bill itself, expressly provided against that.

Mr. SCATCHERD believed that the bill was very liberal already. The proposition to extend the time was in the interest of speculation and would not protect the manufacturing interests of the country.

Hon. Mr. MACDOUGALL (Lanark) agreed with the last speaker. There had been a very liberal concession to foreigners, and the effect of the amendment would be to introduce a swarm of applicants into the country who had got possession of patents for inventions which they had not invented. The bill as it stood would protect the honest inventor, and that was the principle upon which the patent laws had been based; and we should consider the interests of our own people first.

Mr. YOUNG considered that the old law was too illiberal; but the proposed alteration would go too far in the other direction, and he would oppose the amendment.

Hon. Mr. CHAUVEAU again urged his proposition, and contended that all the arguments that had been used against it could be used against the bill itself.

Col. GRAY pointed out that the law of the United States did not allow patents to be made out, if the article had been in use for more than two years. The proposition of the hon. member for Quebec was, there-

fore, more limited than the law in the United States.

Mr. COLBY insisted that the amendment went far beyond the American law, because it declared that no patent whatever could be obtained for any article in use a year in this country, and not only that, but persons now using patents were fully protected.

The amendment was then put and lost on a division.

Hon. Mr. CHAUVEAU then moved another amendment that in the seventh clause the words "five years" be inserted instead of the words "twelve months;" and that the following words be added: "That the renewal of a patent in another country shall be considered for all the purposes of this clause, as an original granting of the same." The clause thus proposed to be amended stands as follows in the bill:—1. An inventor shall not be entitled to a patent for his invention; if a patent, therefore, in any other country shall have been in existence in such country more than twelve months prior to the application for such patent in Canada, and under any circumstance when a foreign patent existed the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires."

Mr. SCRIVER supported the amendment as being a liberal proposition.

Mr. BROWN (Hastings) hoped the amendment would not pass, and that the Minister of Agriculture would leave his bill as it stood. It was sufficiently liberal to answer every purpose.

The members were called in and the House divided upon the amendment, which was lost upon the following division: Yeas 25, nays 119.

Hon. Mr. CHAUVEAU said that after that vote the hon. member for Lambton need not talk about Coalitions. (Laughter.)

Hon. Mr. MACKENZIE said that he helped the Left when they were right. (Hear, hear.) The bill was then read a third time and passed.

MISCELLANEOUS BILLS.

On the motion of the hon. Mr. TILLEY the bill respecting the appointment and powers of Commissioners of pilots for the coasts and harbors of the county of Charlotte was read a third time and passed.

On motion of hon. Dr. TUPPER, a bill respecting the shipping of seamen in Nova Scotia was read a second time. The House went into committee upon the bill, which being reported, was read a third time and passed.

An Act to provide for the appointment

Hon. Mr. Chauveau.

of a Harbour Master at the Port of Halifax, on the motion of Dr. TUPPER, was read a second time and passed.

On the motion of Hon. Mr POPE, the House went into Committee on the Act to provide for the Incorporation of Immigration Aid Societies. He had amended the Act so as to meet as far as possible the objections of the member for Lambton, not because he believed that there was anything in it unconstitutional, but so that there might be no doubt on the question.

The bill passed through Committee, was read a third time and passed.

NORTH WEST LANDS.

Hon. Mr. MORRIS moved the second reading of the Act respecting the Public Lands of the Dominion. He desired shortly to explain the nature of the bill. It referred to the whole of the Dominion Lands in Manitoba and the North West, to the regulation of timber limits, the carrying on of surveys, the appointment of surveyors, and to other matters connected with the lands. It placed the lands under charge of the Secretary of State for Canada, constituting a new branch of his department, to be called the Dominion Land Office. The surveys would be performed by contract. With regard to the Hudson Bay lands, the bill provided that the rights of any settlers already on the lands would not be interfered with. Provision was also made for a fund arising out of the sales of the lands for the support and maintenance of schools for the North West, and for that purpose two sections out of every township were set apart. Provisions were also made for the allotment of lands to volunteers entitled to them, and for the issue of patents to persons who had purchased from volunteers. When the land regulations were before the House last year, it was suggested that the lands might be disposed of in three ways, direct purchase, pre-emption or by the homestead system; and it was urged that the system of pre-emption was carried out in the United States, but it was thought better to introduce the systems of homestead and by direct purchase in the present case. The price put on the lands was \$1 per acre, and no greater quantity would be sold to one person than 640 acres. Power was taken to set aside town lots in places where villages and towns were springing up, or where they would probably spring up. The bill also provided that any one over 21 years of age should be entitled to take up a quarter section as a homestead. One difficulty which it was apprehended would be met

with was in the matter of fuel, and the bill provided that wood lands should be set apart and allotted to settlers in lots of not less than 10 or more than 20 acres. Authority was taken to grant grazing lands to intending occupants, and the hay lands would be dealt with in the same way. It was proposed to give liberty to any person to explore for minerals in the territory, but in surveyed townships the mining lands would be sold in subdivisions, but those in the unsurveyed territory would be disposed of in blocks of eighty acres. The provisions of the bill would only apply to lands in respect of which the Indian titles were extinct. The act also dealt with a matter of great importance, that of the coal deposits, which were known to exist on the Saskatchewan, and in different parts of the territory. Such lands would not be subject to rights of squatters in advance of the surveys, and after such surveys would be offered for sale in blocks of 640 acres; and power was taken to prevent the lands falling into one hand. Another matter of great consequence was the mode in which the timber lands, as distinguished from the wood lands, should be dealt with, and it had been thought desirable in this to hold out every inducement to men of capital to take possession of the timber limits, subject to the regulations of the Government, and on such terms as would give them a direct interest in the conserving the timber as far as possible, and making as much as possible out of it, and so prevent the waste that had gone on in the past in other Provinces. The timber limits proper were to be offered by public sale to the highest bidder at a bonus per square mile, and a lease would be granted for twenty-one years, the lessee being bound to erect a saw mill. The lands would be offered to lessees on a ground rent of two dollars a square mile, with a royalty of five per cent. per annum. Provisions were also made in respect of slides and for the public use all streams and lakes for floating timber. Surveyors in any of the provinces of Canada were authorized to act as surveyors in Manitoba and the North West, and a Board of Examiners was to be provided for parties thus desiring to become surveyors. The Act was based on the regulations submitted to the House last Session, and on the experience of the older Provinces of Ontario and Quebec, and every effort had been made to deal with the whole subject in such a spirit as would induce emigration and deal fairly and justly with the settlers already in the country. The matter was one of the greatest interest to the House and the

country, and he hoped it would receive careful consideration.

On the motion to go into Committee,

Mr. MASSON asked whether it was provided that the old settlers should not be interfered with in their right to cut hay.

Hon. Mr. MORRIS said the Manitoba Act provided that those rights should be inquired into and dealt with fairly and justly by the Lieut. Governor in Council.

Mr. MASSON thought new settlers should not go in until these rights were confirmed or compensated.

Hon. Sir JOHN MACDONALD said the bill treated of the whole public lands of Manitoba and the North West, and did not relate to the particular right of cutting hay. Surveys, however, were now being conducted, and parties would file their claims with the Dominion Lands Commissioners on the spot, and those claims would be estimated and properly compensated.

The House then went into Committee, when a conversation took place on the subject of roads, Sir George Cartier explaining that it was necessary that in Manitoba the roads should be unusually wide, and the matter was based on the experience of those personally acquainted with the country, the member for Lisgar among the number.

Mr. MILLS suggested that the townships should be made eight miles square, giving sixty-four sections instead of thirty-six.

Mr. DELORME (Provencer) maintained that the roads should be as wide as possible as the country was very muddy.

Mr. MACDOUGALL said that as the country became settled the roads would be improved and the mud would disappear. No more territory should be given for roads than necessary. Sixty-six feet was quite enough, and he thought the matter should not be decided in the Act by a cast iron rule, but room should be left for the experience of the future.

Mr. MACKENZIE suggested that the main road should be made wide while others might be narrower, and so a great saving of land would be effected.

The committee rose, and it being six o'clock the House rose.

AFTER RECESS.

A PATENT

Hon. Mr. CHAUVEAU moved the second reading of the Act to authorize Joseph E. Archer to take out a patent of invention known as "Holin Robert's Knitting Machine and Loom."

Mr. MACKENZIE hoped the Premier would not allow the Act to Pass.

Hon. Mr. Morris.

Hon. Mr. HOLTON said the primary objection was that the Bill established an exception to the Bill respecting patents, which had only just passed.

Hon. Sir JOHN MACDONALD said that the Bill should be governed by its own merits, and no doubt the member for Quebec would explain the peculiar circumstances of the case.

Hon. Mr. CHAUVEAU explained and hoped that the Bill would be allowed to pass.

Hon. Mr. McDOUGALL said it would be a bad precedent.

Hon. Mr. CHAUVEAU denied this as the patent policy was now well defined.

Hon. Mr. McDOUGALL still objected, as the Bill proposed to give a monopoly of a patent which otherwise could now be generally purchased. It would be a violation of the principle of the Bill just passed.

Hon. Mr. CHAUVEAU said that the case had happened immediately on the threshold of a new policy which was now defined.

Mr. MACKENZIE said the Bill simply asked authority to tax the people of Canada for the benefit of the patentee.

Hon. Mr. CHAUVEAU said the general Bill would give the same power to an unlimited number of people.

Mr. MACKENZIE still objected most strongly, and was surprised that the Government did not take a firm stand in opposition to the Bill. He hoped the House would not allow the special privileges asked, and show that the House was not in favour of class legislation.

Hon. Mr. CHAUVEAU thought that the member for Lambton had shown very unnecessary warmth and made a large matter out of a small one. The case had occurred before and having stated the case, he submitted it to the House, simply stating that he thought the Bill should be passed, as the patent was bought at a time when the policy was in course of change.

Hon. Mr. HOLTON said the facts of the case being stated, he asked the Government whether they would sanction the bill establishing an exception to their own Bill passed only a few hours previously.

Hon. Sir GEO. E. CARTIER said when the leader of the Government was in his seat he would state his views. He did not think the discussion was exhausted.

Mr. MACKENZIE said the Bill was a gross injustice to them.

The debate was then adjourned.

BILLS ADVANCED.

Mr. SMITH (Selkirk) moved the second reading of the Act to incorporate the Mani-

toba Insurance Co. Carried. The Bill then passed through committee, was read a third time and passed.

Hon. Col. GRAY moved the second reading of the Act for the relief of John Robert Martin.

Hon. Mr. DORION moved that it be read a second time this day three months.

The members were called in and the vote on Hon. Mr. Dorion's motion resulted as follows:—Yeas, 67; nays, 61.

The Act to incorporate the Canada Pacific Railway Company was read a second time, passed through Committee, and was read a third time and passed.

The Act to incorporate the Inter-oceanic Railway Company of Canada similarly passed the intermediate stages and was passed.

REPRESENTATION BILL.

Hon. Sir JOHN MACDONALD moved the second reading of the bill to readjust the representation in the House of Commons.

Mr. WORKMAN stated that he expected petitions from Montreal on the subject and would submit them to-morrow.

Hon. Mr. MACKENZIE would not go into the discussion to-night. Certain amendments would be moved on concurrence when he would state his views. He would say, however, that the Bill set at defiance the principle of representation by population adopted at the time of the union. It might be said that was adopted with reference to the old Provinces only. While that was true, he contended that it was still intended to apply to the different sections. The bill did not do this. Some of the most populous districts were left without additional representation, and he instanced Huron, Lambton, Kent and Essex. He characterized the measure as an attempt to manipulate the constituencies for political purposes to suit hon. gentlemen on the Treasury benches. He thought that regard should be had, as far as possible, to those compact divisions arranged for municipal purposes. The leader of the Government had stated the other day that regard had been had particularly to the manufacturing interest. In Lambton there was a larger and wealthier manufacturing interest than in almost any other constituency in Canada, and there were 200 or 300 engines engaged in pumping oil, and there were extensive refineries. He did not look at the matter from a local point of view, but mentioned this to show that the principle advocated had been set at defiance. He would, however, reserve further remarks until concurrence.

Hon. Sir JOHN MACDONALD said he

quite understood that the measure would receive a reasonable amount of opposition, and the Government would be prepared to discuss the objections taken on concurrence.

The House went into committee on the bill, with the understanding that it would not be proceeded further with to-night, but would be the first order to-morrow.

The Committee rose and reported.

BRIDGES.

Hon. Mr. LANGEVIN moved the second reading of the bill respecting bridges.—Carried. The bill was then referred to the Committee of the Whole, reported and read a third time and passed.

HUDSON BAY COMPANY.

Hon. Sir FRANCIS HINCKS moved the second reading of the bill to amend the act respecting the loan for paying a certain sum to the Hudson Bay Company.—Carried. The bill was then referred to Committee of the Whole, reported and read a third time and passed.

NAVIGATION OF THE ST. LAWRENCE.

Hon. Sir FRANCIS HINCKS moved the House into Committee on the resolution to provide a sinking fund by the imposition of tonnage and wharfage dues at Montreal, to make good the sum vested for improving the navigation of the St. Lawrence between Montreal and Quebec. He explained the object of the resolution and referred to the statement of dues received at the Port of Montreal up to the time of their abolition, for the purpose of showing the great increase in the revenue. In 1855 the tonnage dues were \$6,307, and in 1869 they increased to \$65,490. He had been absent from the country during this period but it was gratifying to see such a great increase in the trade of the country. During this time tonnage dues of fifteen cents had been imposed, but owing to the great increase $3\frac{1}{4}$ cents would be sufficient. There was a difference of opinion in Montreal as to how this money should be raised, but all admitted the reasonableness of the proposition that it should be provided in some way from local sources. The view of the Government was that one half should be from wharfage and the other from tonnage. There would be ample means to meet the expenditure, and there would be no charge on the Dominion Treasury.

Hon. Mr. MACKENZIE asked whether it was intended that dues would be charged on grain elevated from barges to vessels.

Hon. Sir F. HINCKS.—Yes.

Hon. Mr. MACKENZIE said it was for the representatives from Montreal to consider whether this being a tax on all the trade of the harbour, would not operate prejudicially to the interests of the city. Complaints were already made of defective accommodation in the harbor, and this would be an additional burden.

Mr. WORKMAN said the harbor dues were very light as compared with other ports, and if the trade continued to increase as it had done, the Government would be able to reduce those tolls one-half. No doubt increased accommodation was required, but the Harbor Commissioners were giving out contracts every year for that purpose, and they had ample funds to meet the cost. He advocated enlarged representation on the Harbor Trust. As present constituted it did not meet with entire approval; the number was too small.

Mr. ANGLIN said that one half of the whole amount required for the work should be raised by the city and the other advanced by the Government, and he would like to know how the city intended to raise their share.

Mr. RYAN explained that it would be paid out of the revenue of the harbor by the Harbor Commissioners. The means were quite sufficient, and the community of Montreal quite endorsed the proposition of the Finance Minister. He believed that it would be productive of beneficial results.

The resolution was adopted. The Committee rose and reported, and a bill founded on the resolution was introduced.

PUBLIC WORKS.

The House went into committee on the bill to remove doubts under the Act respecting the public works of Canada. The committee rose and reported, and the bill was read a second and third time and passed.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved the House into Committee of Supply on the item of salaries and contingencies, Trinity House, Quebec; \$8,021; and salaries and contingencies Trinity House, Montreal, \$5,569.

Hon. Mr. MACKENZIE would like to know the necessity and the duties of the Commissioners. In his opinion the officers were sinecures.

Hon. Dr. TUPPER referred his hon. friend to the report of the Minister of Marine and Fisheries for full information on the subject.

Hon. Sir F. Hincks.

Messrs. WORKMAN, SIMARD and RYAN spoke strongly in favour of the vote and explained the duties of the Trinity House Board, which from personal knowledge they would say, were onerous and performed in a very satisfactory manner.

Hon. Mr. MACKENZIE still condemned the vote as an imposition on the country, and maintained that the duties mentioned by the members were altogether unnecessary and the results useless.

Hon. Sir GEORGE CARTIER said the work must be done in some form.

Hon. Mr. MACKENZIE said the work was utterly unnecessary, and the money was literally thrown away.

Hon. Mr. ANGLIN said the lower provinces paid their own harbour masters, and he disapproved of an exception being made in favour of Quebec and Montreal.

Mr. BOLTON was often asked why the harbour masters were paid at Quebec and not in the lower provinces and he knew of no answer; and he thought some explanation should be given.

Mr. COFFIN also thought there should be the same system at Montreal and Quebec as elsewhere.

The item was then passed.

On the item for fishery overseers,

Mr. OLIVER said the salaries of some of the overseers were utterly thrown away.

Hon. Dr. TUPPER said the conduct of the matter as between the interests of fishers and manufacturers was of the most delicate and difficult kind, and the efforts of the overseers had to be attended with the greatest care.

Mr. OLIVER—Especially repairs to the River Thames.

Hon. Mr. MACKENZIE said the vote was not so much to conserve the fish in the rivers as to save the loose fish about the country. He knew one instance in which a so-called fishery overseer had been paid for different duties. He should not oppose the vote, while he considered a great part of it was spent unnecessarily, and the Government ought to see the duty properly performed.

Hon. Dr. TUPPER promised to have the matter of the alleged neglect in the case of the River Thames enquired into. All officers were instructed alike, though some might carry them out more carefully than others.

Mr. STEPHENSON referred to the remarks of the member for North Oxford, and thought the complaint was unfounded.

The item was allowed to pass.

Mr. WORKMAN referred to vessels with valuable cargoes wrecked on Anticosti, and thought the Government should send

down one of their schooners to protect the property in such cases. In one case last year the Government sent down the *Napoleon* and charged \$400 a day, which he considered a great overcharge.

Hon. Dr. TUPPER said the vessels were maintained for the public interest, and could not be made available for the use of underwriters.

Mr. WORKMAN only remonstrated against the overcharge. He thought \$200 a day sufficient.

On the expenses of cullers' offices,

Messrs. ANGLIN and BOLTON asked the reason of increase.

Mr. MORRIS said there was no real increase, but an additional amount was asked for the pay of cullers in view of the large amount of timber expected to be got out.

Mr. WRIGHT (Ottawa) said there were increased complaints of the conduct of the cullers' office, and a committee appointed some years ago reported that the system was entirely wrong. The gentlemen interested decreed that the system of rotation in the employment of cullers should be changed, and that those interested should have the choice of the cullers. He quoted from the report of the committee showing the unsatisfactory condition of the matter, and recommending certain changes. The gentlemen in the trade also complained of the excessive charges, and he hoped the Minister of Inland Revenue would remedy the evils that existed.

Mr. HAGAR also thought changes should be made.

Mr. MORRIS promised his attention.

Item passed.

On the Indian item,

Mr. BLANCHET hoped that next year the Government would make a larger grant to the Quebec Indians.

In reply to Mr. ANGLIN,

Hon. Dr. TUPPER said the revenue from British Columbia would be in excess of the estimates made last year.

The items under the head of collection of revenue were taken up. On the first 172,346 for salaries and contingent expenses of the customs in Ontario.

Hon. Mr. MACKENZIE said that \$12,000 had been voted last year to build a custom house at Three Rivers, while only eight vessels had called there, and the total revenue collected was \$5,000. This seemed to him to be a huge farce. He complained also of an excessive number of persons being employed in Ottawa, Kingston, St. John, Halifax, and other places, where the amount of salaries paid was out of all proportion to the revenue collected. The Quebec custom house costs two per cent.

more than Halifax, and Halifax in its turn costs a great deal more than Toronto.

Hon. Mr. TIMLEY said there was really no ground of complaint as to the expenditure, when it was considered that, while last year there had been \$2,500,000 more revenue collected than the year before, the cost of collection was \$6,000 less, and the expenditure in the department at Ottawa \$5,000 less, making a total reduction of \$11,000 in the expenses. He explained that at some ports greater watchfulness was required than at others, in order to prevent frauds on the revenue, and it was necessary therefore to keep more men employed than the portion of revenue collected would seem to require. It was impossible to collect at the same cost at sea ports, where there were many arrivals from foreign countries, as at inland ports.

Mr. WORKMAN said the salaries paid at Montreal were not sufficient to maintain properly the families of the men employed. He trusted the Government would take this matter into consideration.

Hon. Mr. MACKENZIE thought the salaries quite high enough, and other places, at any rate had as good a claim as Montreal.

The item was passed, together with the following items under the same head:—Salaries in Quebec, \$168,147; New Brunswick, \$72,376; Nova Scotia, \$93,313; Manitoba and the northwest, \$8,000; British Columbia, \$50,000; salaries of inspectors of ports and special services, \$10,000; contingencies at head office, \$15,000; total \$559,183.

The Inland Revenue expenditure was taken up. On the first item, \$142,100 for salaries of outside officers and inspectors,

Hon. Mr. MACKENZIE wanted to know the reason of this enormous increase (laughter) being \$31,000 over last year.

Hon. Mr. MORRIS explained that the increase was owing to the decision at which the Government had arrived to deprive the inspectors of excise of any share of seizure in future. In order to make some compensation to them for the deprivation it was proposed to increase their salaries by a small amount; the increase being in most cases \$200. He did not think the house or country would object to this (hear, hear). Then he proposed slightly to increase the salaries of collectors, who in many instances received salaries altogether inadequate. The remainder of this amount of \$31,000 was made up of a sum which he thought it necessary to ask in order to provide for the increase of the staff by an addition in consequence of the

creation of new distilleries. The item was passed, together with a number of others.

On the last items, \$2,816,870 for subsidies to Provinces, provided by statute.

Mr. ANGLIN asked what the Government intended to do with regard to the demand from New Brunswick for better terms. He believed the Province was entitled to better terms, and if it was the intention of the Government to grant them, it ought to be announced without delay.

Hon. Mr. MACKENZIE was astonished at his hon. friend. If he desired to get an expression from the Government he should have got the hon. member for Quebec to propose a resolution, and then the Government would have voted it down (laughter, and oh!)

Hon. Sir JOHN MACDONALD—We will not vote down any resolution against better terms. I can assure my hon. friend the Government have declared their intention by not putting any sum in the estimates, either ordinary or supplementary, but to leave matters as they are, and not to ask a vote during the present session.

The committee rose and reported, and the House adjourned at one a.m.

SENATE.

SATURDAY June 8th, 1872.

The SPEAKER took the Chair at eight o'clock.

BILLS OF EXCHANGE, &c.

Hon. Mr. DICKSON moved the second reading of the Act to amend the law relating to Bills of Exchange and Promissory Notes.

Hon. Mr. BUREAU objected to the bill as in violation of general usage and law of the mercantile community.

Hon. Mr. CAMPBELL explained that he had conceived the same ideas with respect to the bill, but upon enquiry he found that the bill was not so objectionable in the particulars supposed.

It was agreed at his suggestion to read the bill a second time, and refer it to the Committee on Banking, Commerce, and Railways, who could consider its merits.

PRIVATE BILLS.

Hon. Mr. DICKSON reported favorably from the Committee on Standing Orders and Private Bills, on the Bills incorporating Accident Insurance Company of Canada; incorporating Missionary Society of the Wesleyan Methodists in Canada; incorporating St. John Board of Trade;

Hon. Mr. Morris.

all of which were read a third time and passed.

FRAUDULENT MARKING.

The House went into Committee of the whole. Hon. Mr. McDONALD in the chair, and passed the bill with respect to fraudulent marking of merchandize.

The Committee rose and reported progress—

Hon. Mr. RYAN having raised some doubts as to the operations of the bill.

RAILWAY BILL.

On motion of the Hon. Mr. OLIVIER the House agreed to the amendments made by the Commons to the bill respecting the Quebec Frontier Railway. The bill was then read a third time and passed.

SECOND READINGS.

The following Bills from the House of Commons were read a second time:

Ontario Shipping and Forwarding Company Bill.—Hon. Mr. AIKINS.

Chatham Board of Trade Bill.—Hon. Mr. BENSON.

Anticosti Company Incorporation Bill.—Hon. Mr. PRICE.

Manitoba Bank Incorporation Bill.—Hon. Mr. GIRARD.

Polling Districts in Inverness, Nova Scotia Division Bill.—Hon. Mr. CAMPBELL.

St. Lawrence International Bridge Bill.—Hon. Mr. MACPHERSON.

Montreal Telegraph Company extension Bill.—Hon. Mr. RYAN.

Superior Bank of Canada incorporation Bill.—Hon. Mr. CAMPBELL.

Coteau and Province Line Railway Bill.—Hon. Mr. SEYMOUR.

St. Clair River Railway Bridge and Tunnel Bill.—Hon. Mr. BENSON.

Voters Lists for Elections in Nova Scotia Revisal Bill.—Hon. Mr. CAMPBELL.

The House then adjourned.

HOUSE OF COMMONS.

OTTAWA Saturday, June 8.

The SPEAKER took the chair at one-twenty p.m.

CULLING.

Mr. MORRIS presented a return to an address for the tariff of fees charged to lumberers for the culling of timber.

DEBTORS AND CREDITORS.

Mr. CARTER moved that six thousand copies of his bill respecting debtors and

creditors, and for the punishment of fraudulent debtors be printed for distribution among the members. He said he did not intend to bring the bill forward for discussion this session, but he should like it printed so that members might have an opportunity of distributing it among their constituents, with a view to its discussion next session.

CENTRAL BANK, NEW BRUNSWICK.

Mr. PICKARD introduced a bill to enable the directors of the Central Bank of New Brunswick to wind up the affairs of the said bank.

The motion was carried and the bill read a first time.

DUTIES IN BRITISH COLUMBIA.

Mr. MORRIS moved the House into Committee of the Whole to consider a resolution declaring it expedient that the duties of customs and excise, now by law in force in the Dominion of Canada, be extended to the Province of British Columbia.

The motion was carried, and the House went into committee. This resolution was adopted and the committee rose and reported.

Mr. MORRIS introduced a bill founded on the resolution, which was read a first time.

COPYRIGHT.

Hon. Sir FRANCIS HINCKS moved that on Tuesday the House go into committee to consider a resolution on the subject of copyright. Carried.

COLLINGWOOD.

Hon. Mr. TILLEY moved that on Tuesday next the House go into committee to consider a resolution declaring it expedient to extend the Act 32. 33 Vic., cap. 40, to the port of Collingwood, in the Province of Ontario. Carried.

PROROGATION.

Hon. Sir JOHN MACDONALD announced that he hoped the state of public business would be such that Parliament would be prorogued on Thursday next.

THE REPRESENTATION BILL.

Hon. Sir JOHN MACDONALD moved concurrence in the report of the Committee on the bill to re-adjust the Representation in the House of Commons.

Mr. WORKMAN stated that, as he had not received the petitions he had expected, he would reserve his remarks for the third reading.

Hon. Mr. MACKENZIE said one of one of the great subjects of dispute in the old Province of Canada was the inequality of the representation of the two sections of the Province, and from time to time pains were taken to show, not merely the inequality of the representation as between the two Provinces then united, but also the inequality of representation in certain districts of the country. In the last readjustment one member was given to Algoma a district in itself almost as large as all the rest of Upper Canada, but this was not expected to be continued after that great Territory was filled up; numbers would have to be considered at a future period. That principle was recognized at the Union. It was specially provided at the time of the Union that, while Lower Canada should remain stationary with sixty-five members, the same relation should be established between Quebec and the other Provinces, as to members in this House, as existed under the census of 1861. While the bill complied with the letter of the Act of Union by giving additional representation, it did not meet the anticipations of those who had so long advocated that numbers should be taken into consideration in this House. No regard had been had to the great increase that had taken place in certain districts. Lambton had a population of between 30,000 and 40,000, representing a wealth of nearly \$5,000,000; while Norfolk had only 28,000 inhabitants representing \$4,000,000; yet the latter was accorded two members, while Lambton had only one. Kent was in a similar position to Lambton. Essex comprised a population of nearly 33,000, and the three together comprised a population, more than sufficient to entitle them to six members, whereas they were to be continued to be represented by four as at present. Huron, Bruce, Grey and Simcoe combined had also increased enormously in population, and while an additional member was given to Huron and Grey, he thought that Simcoe had also population sufficient to entitle it to consideration. It might be said that other elements than that of population had to be considered—that territory should be considered. He admitted that, and contended that Lambton, with an area capable of cultivation and of bearing a population greater relatively than that of any other county, should have been considered, and he did not see why that county, having all the elements of area, population and wealth, should have been ignored. He read a list of counties, with valuations, to show the irregularities that now existed, and also to prove that the

western counties to which he had referred had much larger valuations, besides being larger in extent and greater in population than those in which the representation had been allowed to remain as it was. There was no reason whatever why the principle of representation by population should have been abandoned within the Province, when we had to consider it between the Provinces. That principle was just in itself, but when accompanied with area and wealth, there seemed to be no reason why the distribution of seats should not be made according to population; but the Bill ignored that principle in the portions of the country where additional population had been established. He understood that it was considered desirable to recognize the manufacturing interests, but contended that the places singled out for that purpose did not represent those interests to such an extent as other portions of the country which had been overlooked, among which was the county he represented, and he proposed to do his duty as a member in representing the position of those constituencies with a view to an alteration, in the Bill, and to rectify the inequalities and injustice which seemed to be intended. He would therefore move in amendment as follows: "That the report be not now received, but that all the words after 'that' be struck out and the following inserted: North Simcoe contains 33,918 souls; Essex, 32,697; Lambton, 31,994; South Bruce, 31,332; giving four members to 129,940 souls, and many other districts in Ontario contain far more than the average number of 18,315 per member; that so many of the new members are proposed to be assigned as to give members to districts at the average of 10,710 per member, giving five members to 53,550 souls; that the six additional members to be allotted to Ontario are due to the increased population of that province, and should be allotted with reasonable regard to that population; that the bill be referred back to Committee of the Whole House, with instructions to amend the same by allotting the members for Ontario in such manner as to give so far as practicable representation to those parts of the population which, by the present provision, would be excluded from their fair share of political power."

Mr. CAMERON (Huron) regretted that a bill of this importance had been brought down at so late a stage of the session. When the bill was introduced, the leader of the Government had laid down the principle that it was unwise to change the boundaries of counties returning one member. He (Mr. Cameron) had agreed

to that to a great extent; but it was now found that in the case of Haldimand that principle had not been adhered to. In this instance, the township of Dunn had been taken from the county and added to Monck, upon the assumption that there was a discrepancy in the population. He found that this did exist; the population of Haldimand was 20,191; of Monck; 15,130; and the hon. gentleman had proposed to remedy the discrepancy by adding to Monck the smallest township in Haldimand, which would only increase the population of the former to 16,179 souls, still leaving a discrepancy of about 3,000. It would have been better to have taken the largest township, but that would not have served the views of the hon. gentleman. He pointed out that discrepancies also existed in Bothwell, Essex, Lambton and other counties, but while Monck was to be set right these were to remain untouched. He contended that the object of the bill was not to equalize population as alleged—it was merely to suit the political purposes of the Government. The proposed re-adjustment of Wellington was just and proper, but if it was necessary in Ridings why should it not be done in other counties where the discrepancies are greater? Such inequalities existed in the counties of Elgin, Brant, Simcoe and others, but what was right in Wellington was considered improper in those counties. He held that Bruce was the most glaring instance of such irregularity, and required more than any other county, to be re arranged; but he considered the whole system a sham. It was perfectly right that the manufacturing interest should be represented; but he contended that there were interests of more importance than those connected with the lumbering of Ottawa, and the sewing machine and boot and shoe interests of Hamilton, and he instanced the salt interest of Huron. (Hear, hear.) He did not begrudge those cities their additional representation but argued that it ought to be given to the larger constituencies and not to the boroughs. With respect to his own county, a worse division, from every point of view, could not have been proposed. It was a violation of all plans of contiguity and compactness, the object being not to equalize the populations, but that the Government might suit its own political purposes, and this had been done on the representations of their friends from the county. By making these alterations they believed that he (Mr. Cameron) could be defeated, and that Conservatives would be returned for the North and South Ridings, but he [Mr. Cameron] thought the Minister

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of Justice would not be able to carry out his scheme.

Mr. McCALLUM could not understand why his friends opposite should lash themselves into fury about his county. He was an advocate of representation by population. The adding of the Township of Dunn was no new thing. In 1857 when the counties were under consideration his hon. friends from Welland and Haldimand waited on the Government and wished them to add Dunn to the County of Monck for the purpose of equalizing the population. The head of the Government had refused, on the ground that if he did it in one case he would have to do it in others. The people of Dunn having now petitioned for this change, he [Mr. McCallum] thought it right that their wishes should be acceded to. (Hear, hear.) He considered that he was quite as capable of representing his constituency with its population of sixteen thousand as his hon. friend from Haldimand was of representing his constituency of eighteen thousand. (Hear, hear.)

Mr. RYMAL would dwell more particularly on the outrageous division of the Centre Riding of Huron, and in order that members should have an accurate notion of what was proposed, he had taken the trouble to have a diagram prepared—(which, amidst convulsive laughter from both sides of the House, he exhibited. The Riding appeared, by the hon. member's card-board illustration, as something—but remotely—like an abnormally developed profile of the deceased hero of Waterloo gracefully stuck on the head of a three masted schooner.) He called on Mr. Speaker to "look at that and weep!" and implored every lover of fair play, and every intelligent voter, to decide whether there was any political trickery in such a division as that! (Laughter.) It was angular, triangular and quadrangular; it had right angles, right angled triangles, acute angles, and obtuse angles, and had all been prepared by the great political angler himself. He (Sir John) had prepared a pool in which he meant to fish, and from which he hoped to draw forth a "gudgeon," but he (Mr. Rymal) hoped it would prove to be a pike. The whole vocabulary of terms known to engineering and architecture would be exhausted before such a thing as that which he held in his hands could be described. (Continued laughter.) Sir John's friends would admire it; many of them would doubtless idolize it; and though the creation of his own hands, there would be little harm in the Premier himself falling down and worshipping it, for "it was not the likeness of anything in Heaven above, or in the earth beneath."

Doubtless his hon. friend the Minister of Justice had resisted the importunities of some of his outside friends as to this division of Centre Huron, but he had not resisted long enough, or he would not have brought about such an outrage as this. (Laughter.) He (Mr. Rymal) had exhibited at a glance to the House what was proposed to be done, and would be pleased to allow any member to take a correct view of his diagram, and he would have a plan similar to this prepared and sent throughout the length and breadth of Upper Canada. (Great laughter.)

Mr. SPROAT said he agreed to some extent with the remarks of the hon. member for Lambton, although he did not go to the length of that hon. gentleman. The hon. gentlemen in the argument with which he supported his amendment had not given the entire population of North Simcoe and South Bruce. If he had given the entire population of Simcoe with Cardwell attached, it would have reduced his calculation to a considerable extent. The same too could be said of North Bruce. He (Mr. Sproat) thought that a question of this kind should be discussed with a view to the interests of the whole country and not with regard to particular sections of the Provinces. He was free to say that, looking at the increased population of the country of Bruce within the past ten years, he should have been better pleased if the Government had seen fit to give it three members in the House instead of two. At the same time the motion of the hon. member for Lambton was aimed, not so much to rectify that as to express want of confidence in the Government. If the desire was to amend the measure in some of its details it would have been better if the House had discussed it last night when in committee instead of postponing the discussion till to-day. Regarding them as a whole the provisions of the bill were acceptable, although objection might perhaps be taken to some of the details. The city of Ottawa, for instance, with a population of 21,000, was to have two members; and that being the case he really thought the County of Bruce, with a population of 48,000, was entitled to three. If the group of constituencies consisting of Lanark, Carleton, Renfrew, Russell and Ottawa, with a population of 108,000, had nine members, he thought the counties in the northwest peninsula of Ontario, consisting of Huron, Bruce, Grey, Simcoe, Perth and Wellington, with a population of 347,000, was deserving of more than sixteen members, the number given by the bill. He would have preferred if the

bill had been taken up in detail, rather than that a sweeping amendment should be proposed affecting the whole measure. With reference to the remarks of the hon. member for Huron, and the beautiful design that had been exhibited by the hon. member for South Wentworth, it would have been better if the whole of the county rather than a portion of it had been exhibited. If hon. gentlemen would look at the map they would find that the boundaries of the county were in outline somewhat similar to the amusing diagram that the hon. member had shown. The hon. member for Huron had contended that the town of Goderich was in the township of Goderich. Well, they all knew that was the case; but the suburb on the north side of the river where the salt works was situated, was essentially a part of the town, although called by a different name, and it was in the township of Colborne. The main part of the township of Goderich lay to the south of the town, and was properly included in the South Riding, as provided in the bill. The county could not, indeed, have been divided in any way without showing quite as great irregularities in the boundaries of the different divisions as those which had been illustrated by the hon. member for Wentworth. He believed that in making the divisions the bill proposed, the Government had regarded the interests of the whole country, as well as of the electors of the counties divided, without reference to the question whether the members to be returned at the ensuing elections for these divisions would support them or not. He did not believe that a gentleman whose character was so well established in this country as that of the Premier, would propose a measure based upon such considerations. While feeling that the county of Bruce was entitled to increased representation, he (Mr. Sproat) could not support the amendment because it struck at the principle of the bill, and proposed to change all the divisions it made in the counties.

Mr. OLIVER agreed with the hon. member for Huron that the bill had been brought down at too late a period of the session to allow the just influence of public opinion to be brought to bear upon it. He referred to the representation of the manufacturing interest, and the report of a committee appointed some time ago to enquire into the matter, to show that the great bulk of the manufacturing interest was to be found in the rural districts, there being fully double as much manufacturing interest in those districts as in the towns. The representatives of rural dis-

tricts could as well represent the manufacturing interests as city representatives, and another reason why cities should not have additional representatives was that the gentlemen representing many rural constituencies lived at and were connected with cities. He admitted that the population of Toronto entitled her to an additional member, but denied that Ottawa and Hamilton were so entitled. He objected to the counties of Oxford and Bruce, with their large populations, being left in their present state, while Ottawa and Hamilton, comparatively well represented, were to have an additional member each. The measure was unfair and unjust. As to the re-arrangement of Haldimand, Monck and Wellington, the reasons for that were so flimsy that no one could fail to see them. He should support the amendment before the House and should also move that the provision for additional members for Ottawa and Hamilton should be struck out.

Mr. MAGILL replied to the remarks of the member for South Oxford. He said that the capital invested in Hamilton was six times as great as that invested in the whole of the county of Oxford, while the whole of the railway and other enterprises were initiated in cities. He defended the increased representation given to the cities, and said that the future as well as the present was to be borne in mind; and referring to the great increase in the population of Hamilton, he thought the Government had acted with prudence and foresight in giving that city an additional representative, as the commercial centres were the places where the greatest increase of population was likely to take place. Hamilton had had only one member for many years, and her present population properly entitled her to another. The public accounts would show that during the last year \$600,743 had been collected at Hamilton, and everyone must recognize the great commercial importance of that city. It was only second to Toronto in the whole Province of Ontario, and the argument of the member for South Oxford that the great manufacturing interests of the country should be ignored in favour of comparatively unimportant rural districts was foolish and unjust. To shew the interest that the member for South Oxford took in the matter of manufacturing interests, he might mention that he (Mr. Magill) asked him to sit on the Committee obtained to enquire into that matter, but he declined to have anything to do with it. (Hear, hear.) The honourable member concluded by paying a marked compliment to the Government for the way in which they had

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handled the whole matter, and considered that the increased representation given to cities was the wisest and most fair feature of the whole scheme. He took his seat amid loud cheers.

The members were called in, and Mr. Mackenzie's amendment was lost on division:—

Mr. MILLS spoke in opposition to the bill, and charged the Minister of Justice with having delayed the introduction of the measure until so late a period of the session, in order that the press and the country should not have an opportunity of giving it that consideration which it deserved. He moved in amendment, seconded by Mr. Wood, to leave out all the words after "that" and insert the following:—"The county of Stormont is divided into two electoral districts, comprising Stormont with 11,873 souls, and Cornwall town and township with 7,114. That the county of Lincoln is divided into two electoral districts, comprising Lincoln with 20,672 souls, and Niagara town and township with 3,693. That thus two members are given, to Cornwall and Niagara with an aggregate population of 10,807 souls, or at the rate of 5,404 persons per member—while the mean average population throughout the Province is 13,315 per member—and while North Simcoe, South Bruce, Essex and Lambton, with four members contain 129,940 souls, or at the rate of 32,485 per member; that the said bill be referred back to a Committee of the Whole House in order to consider whether the same may not be amended so as to redress as far as practicable those glaring inequalities.

The members being called in, the amendment was lost on division—yeas, 44 nays 94.

Mr. THOMPSON (Haldimand) then moved to leave out all after the word "that," and insert the following:—Lincoln contains 20,672 souls and Niagara 3,693; Stormont, 11,873 souls, and Cornwall, 7,114; West Elgin, 12,796 souls, and East Elgin, 20,870; North Brant, 14,393 souls, and South Brant, 20,766; that these and other inequalities are far more glaring than the inequality between Monck and Haldimand with 20,091; that the House has declined to attempt to redress other inequalities, and that it is not right while declining any such attempt to interfere with Monck and Haldimand as it proposed by the said bill, in order to redress a minor inequality in such a manner as will strengthen the Government candidate in Monck; and that the said bill be referred back to a Committee of the Whole House, with instructions to amend the same by

restoring to their former state the districts of Monck and Haldimand."

The members were called in and Mr. Thompson's amendment lost on division. Yeas, 43; nays, 94.

Mr. POWER said that the county to which it was proposed to give an additional member had only 26,000 inhabitants, and would therefore have one representative to 13,000 people, while the County of Halifax was to have but one representative to 28,000—he therefore moved in amendment that the bill be referred back to a Committee of the whole House with instructions so to amend the same as to provide that one of the additional members allotted to Nova Scotia shall be assigned to Halifax.

Hon. Dr. TUPPER would say for the information of the House that in the course which had been pursued, so far as Nova Scotia was concerned, the Government had followed the practice which had been universally favoured in that province. It had never been the practice to give to the city and county of Halifax representation in proportion to population for the sufficient reason that in that province it had been conceded that the wealth and influence of the metropolitan constituency was such as to influence the other constituencies throughout the province. In the Local Legislature the county of Queen's, with a population of 10,000 had two representatives, while the county of Halifax had but three, and when that Legislature gave Pictou three members it did not give Halifax representation according to population. That arrangement had obtained universal approval and there had been no proposition to alter it, either by the present or last Legislature. They had given an additional member to the County of Pictou, the second largest county in the Province, and the other to the County of Cape Breton, the third largest county, in which the increase in population had been greater during the last decade than in any other county. With its great mineral resources they had every reason to believe that in a short time it would be represented strictly according to population. He thought he had satisfied the House that no violence had been done to Nova Scotia by the course pursued.

Hon. Mr. MACKENZIE charged the Government with having one policy for Ontario and another for Nova Scotia, in that they had neglected Halifax which in his opinion had as great a claim for an additional member as either Hamilton, Toronto or Ottawa. He characterized the bill as having been drawn solely to enable the Government to obtain political advantage.

The members were called in and the

amendment was lost on a division—yeas 32; nays, 98.

Mr. CAMERON (Huron) moved that the Bill be referred back to Committee, with instructions to amend the same so that the township of Tuckersmith should continue to form part of the South Riding of the County of Goderich, and so that the town of Goderich should be added to the Centre Riding of the said County.

The members were called in and the amendment rejected on the following division: Yeas, 41; nays, 86.

Mr. CARMICHAEL moved that the bill be referred back to Committee, with instructions to amend the same by providing that the county of Pictou, N. S., should be divided into two Ridings, each to return one member. He hoped the Government would accede to his proposition and divide the county in the same way as counties in other Provinces.

Dr. TUPPER did not agree with the principle advocated by the member for Lambton, that there should be a cast iron rule in this matter. Uniformity was given as far as practicable, and as far as was consistent with the wishes of the great masses of the population, but it would not be in the interests of the Dominion unnecessarily to introduce a system antagonistic to the views and sentiments of the public. Formerly the counties of Pictou, Hants and Kings were divided, but the Local Legislatures swept the system away, and the only representation now in use in Nova Scotia was county representation. It was, therefore, proposed to continue the system which the Legislature had unanimously approved, and if the proposal made by the member for Pictou were entertained, it would introduce a principle antagonistic to that which, after experience, the province had adopted as most in conformity with the views of the people. The effect of the bill was that the constituencies of Nova Scotia would remain in the coming election exactly the same as they were five years ago, so that the member for Pictou would have exactly the same constituents, and he should not complain.

The motion was declared lost on a division.

Mr. McCONKEY did not complain of the divisions but of the want of division. His county had a population of 58,000, and its representation should have been increased. He moved that the bill be referred back to committee in order that a division might be made of the county of Simcoe, which, with a population of 58,000 souls, and extended and varied manufacturing interests, should receive one of the six additional seats to which the province

of Ontario is now entitled. His county had very considerable manufacturing interests, and perhaps a greater amount of sawn lumber was manufactured there than in the whole of western Ontario besides. He felt strongly in the matter, and sincerely believed that his county should have increased representation, rather than such places as Ottawa or Hamilton.

Mr. FERGUSON was surprised at the motion, and he wished he could believe that the mover was as sincere as he claimed to be. The mover and he had been members of a deputation which had waited a month ago on the Minister of Justice for the purpose of obtaining a division of North Simcoe, and the hon. gentleman (McConkey) was then satisfied that no change should be made. He complained that the proposal should not have been mentioned either to himself or the member for South Simcoe.

Mr. LITTLE said whether the mover was sincere or not, he should support the motion, as he thought Simcoe had much greater claims to increased representation than either Ottawa or Hamilton.

The members were called in and the amendment was lost, the division being yeas 48, nays 83.

Mr. DORION moved "that the bill be referred back to committee to provide that the parish of St. Columban be added to the Electoral Division of Quebec West. He gave a reason for this, that the people of St. Columban were not farmers, but merely homogeneous with Quebec West, and that at a public meeting it had been declared that they were in favour of such connection.

Mr. CHAUVEAU said the hon. member has stated that St. Columban was not composed of any farmers. They are many farmers there. He denied that the people of St. Columban wanted to be added to Quebec West.

Mr. DORION said the hon. gentleman had stated that his statements were untrue, but the only thing he would contradict was the statement that there were no farmers in the Parish of St. Columban, whereas there were a few. He (Mr. Chauveau,) had contradicted also that they wished to be added to West Quebec. The meeting alluded to at Charlebois was composed only of his opponents who numbered some 300 against 1500 of his (Chauveau's) supporters.

The amendment was lost, yeas, 39 nays 85, on division.—

Hon. Mr. MACKENZIE was glad to have the opportunity of voting for once with the hon. member for Cumberland. That gen-

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tleman had said that he was not in favor of uniformity all over the Provinces but in the several Provinces. The representation of Pictou had been arranged on that basis, and he would give the hon. gentleman an opportunity of supporting the same principle in the following motion—that the bill be recommitted with instruction to divide each of the cities of Ottawa and Hamilton into two electoral districts, and that each district shall return one member instead of the arrangement proposed; which, contrary to the general principle in obtaining Ontario and Quebec, makes the whole of each city one electoral district, returning two members.

The vote was declared lost on the same division.

Concurrence in the bill was then taken and the third reading fixed for Monday.

The House adjourned at six o'clock.

SENATE.

MONDAY, June 10.

Mr. SPEAKER took the chair at three o'clock.

BILLS.

Hon. Mr. HAMILTON, from Committee on Banking, Commerce and Railways, reported favorably on Bills: An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

An Act to incorporate the Coteau and Province Line Railway and Bridge Company.

An Act to incorporate the Superior Bank of Canada.

An Act to extend the Powers of the Montreal Telegraph Company.

An Act to incorporate the Anticosti Company.

An Act to incorporate the St. Lawrence International Bridge Company.

An Act to incorporate the Detroit River Railway Bridge Company.

An Act to incorporate the Ontario Shipping and Forwarding Company.

All these Bills were read a third time and passed.

Hon. Mr. DICKSON, from Committee on Standing Orders and Private Bills, reported favourably on Bills:

An Act to incorporate the Toronto Corn Exchange Association.

An Act to incorporate the Montreal and Chatham Board of Trade.

An Act to change the name of District Permanent Building Society of Montreal.

These Bills were read a third time and passed.

DUAL REPRESENTATION.

Hon. Mr. BOTSFORD moved the second reading of the Bill from the House of Commons, with respect to Dual Representation in Parliament. In making the motion he said that he thought the principle established by the Legislatures of New Brunswick and Nova Scotia with respect to dual representation—that the Local Legislatures should be freed from any direct connection with Parliament—was correct and judicious. He was not aware of any change of opinion in the Province of New Brunswick on the subject. Under these circumstances he was favorable to the Bill.

Hon. Mr. LETELLIER DE ST. JUST said that he objected to the bill, because it was partial in its operation, and he believed unconstitutional in character. He did not understand why the Provinces of Quebec, British Columbia, and Manitoba should be exempted from its provisions, whilst it applied to Nova Scotia, New Brunswick, and Ontario. He was convinced that the members of the Government themselves would never have brought in a measure of such a character. It did not effect—as should be the tendency of all legislation of Parliament—an assimilation but actually a division of powers—for it sought to give to some what was not extended to other Provinces. If there was to be no duality of representation, let the Parliament pass a general law applicable to all the Provinces, and he would give it a favorable consideration, but he looked upon the bill as embodying a wrong and partial principle. He was even prepared to doubt the constitutionality of the measure, inasmuch as it was outside of our constitution to pass an Act which related to arrangements made by an inferior legislative power. In fact, Parliament was asked by the bill to delegate to an inferior authority the completion of a law. The constitution put into the hands of Parliament the sovereign power of controlling the representation of itself, but now they were asked to make it subordinate to the legislation of a Local Legislature. In this connection he referred to eminent American authorities to show that the bill was an infringement of the constitutional rights of Parliament, and called upon the Government to consider the question carefully before allowing it to proceed further. He did not wish to see personal or private legislation introduced into the Houses, and it was notorious to every one that the present bill was open to such an imputation. Whilst the bill concurred with the local enactments passed in New Brunswick and Nova Scotia, it did not agree with the

law passed in Ontario, where the Local Legislature had limited the time when the duality shall come into operation. It was well known that the object of the bill was to strike a blow at two prominent men in another branch, and he must express his strong disapproval of such personal legislation. When three provinces, representing three-fifths of the population of Canada, had declared against dual representation it was the duty of the Government to bring in a measure which will not be personal in its nature, but general in its operation. The second clause was a very extraordinary one, for it gave great power to a person who might be the mere tool of a Government and disposed to use his authority unjustly and arbitrarily. The returning officer could strike off all the votes of a candidate, and in fact exercise judicial power. If he was a strong partisan he was in a position to suit his party ends as he wished. This was a bill which ought to be considered carefully by the Senate and rejected as injurious to the public interests. It was for the Senate, which should be under the influence of cool and moderate counsels, to prevent any unjust measure which had passed the lower branch from becoming the law of the land. It was for Parliament to declare who shall sit in its own body; the local legislatures had the right to arrange its own representation; but he did not wish to see Parliament going beyond its functions and passing legislation, neither equitable in its operations nor constitutional in its provisions.

Hon. Mr. CAMPBELL replied that in approaching the discussion of the question every member of the Senate must be anxious to take no step which would touch the rights and privileges of the other branch of the Legislature. All remembered when a Bill affecting the Senate had been introduced elsewhere a large majority upheld the rights and privileges of that branch. The members of the Senate occupied a very different position from those in the other House. The Senators were appointed for life, if a disability attached to them it was for life. There was no reason whatever why a member occupying a seat for life should be debarred from all offices of honor under the Crown. He did not think any member should be cut off from such position; the hon. member for Montreal (Hon. Mr. Ryan) had acted as Commissioner to the West Indies and no one surely could say that he was thereby disqualified from continuing in the upper branch. He was quite sure that gentlemen in the Senate would be equally reluctant to interfere in any way with the rights and

privileges of the Lower House. The present bill referred exclusively to the circumstances under which the House of Commons had decided members should sit in that body, and he for one was not disposed to interfere with legislation which it was the exclusive privilege of that branch to pass. If the suggestion of the hon. member for Grandville was adopted and the Senate should interfere with the rights and qualifications of the Commons then an invitation was extended to the latter to pursue the same course in relation to the Upper House. He did not consider the constitutional argument of the hon. gentleman as sound or tenable. That hon. gentleman had attacked the bill as unconstitutional and then went on to say that he would not object if it were made applicable to Quebec and the other Provinces, but he seemed to forget that even were it so the constitutional difficulty would remain.

Hon. Mr. LETELLIER DE ST. JUST explained that he contended that the Parliament of the Dominion had a right to declare who shall be elected to the House, by a general law, without interfering with the Local Legislatures.

Hon. Mr. CAMPBELL went on to say that Parliament was not governed by the rules which were laid down by the constitution of the United States—not by doctrines applicable to the relations between the Federal Government and the different States—but by the Constitutional Act of 1867, which said in direct English that Parliament had full power to legislate upon the subject. He did not understand why a man should not say distinctly before he became a candidate *par* Parliament, whether he had resigned his seat in the other legislature, especially when there was an act of that legislature preventing him from sitting in both. Why should the country be put to the expense and inconvenience of what might be a mere sham election? The hon. member had stated that the bill was aimed at two gentlemen in the other branch, and tried to connect the Government with its initiation. He ought not to make such an assertion after the statement positively made elsewhere, that the Bill was introduced without the knowledge, or consultation with the Government. The same gentleman (Mr. Costigan) had brought forward a similar bill last session. The hon. gentleman opposite forgot that the measure would not effect merely the seats of two, but of several gentlemen in the House of Commons. It was urged that extraordinary power was given to the Returning Officer, but it was now the law that the votes of a disqualified candidate could be struck off. The bill was

Hon. Mr. Letellier De St. Just.

only intended to apply to those Provinces which, by their own free will, had legislated on the question, and he could not see any reason why it should not be passed by the House.

Hon. Mr. WILMOT said that he had always been in favor of Dual Representation, and had not seen anything since 1867 to induce him to change his opinion. He was not in favor of changing the legislation of Ontario—it would be an improper interference with the Local Legislature.

Hon. Mr. CHRISTIE said that he failed to discover that the Postmaster General had answered the argument of the hon. member from Grandville who had declared that the bill was unconstitutional because it made the legislation of Parliament contingent on the action of the Local Legislature. The hon. gentlemen had said that the American authorities quoted by the hon. member from Grandville had no relation to the subject, inasmuch as they referred to republican institutions. Now the principles of American legislation were based on principles of British legislation—they were essentially the same. The Provincial Legislatures in relation to the Federal Parliament might be compared with the State Legislatures in relation to Congress. The hon. gentleman here read from the authorities quoted by hon. Mr. Letellier de St. Just, to show that they were exactly in point, and then went on to say that the precise effect of the bill ought to be declared in plain English—that any persons in New Brunswick, Nova Scotia, and Ontario shall not sit in the House of Commons if they are disqualified by the act of the Local Legislature, but that nevertheless persons similarly situated, from Manitoba, British Columbia, and Quebec, shall be eligible to sit in the general Parliament. He considered it perfectly legitimate for the Senate to reject the bill if it should deem such a cause advisable notwithstanding what the Postmaster General had said against any interference with the rights of the other House. The Senate was one of the Estates of the Dominion, and all measures had to come under its supervision; and he for one was not willing to see that branch become a mere cypher, a mere recording body. He held it one of the special duties of an Upper Chamber that it should interfere with any measure that was partial and personal in its character. He found that there were in the House of Commons four members of the local Government and thirteen members of the local legislature of the Province of Quebec. Two members of the Legislative Council of Quebec were

in the Senate. The Speaker of that body was also a member of the Legislature of that Province. Referring to the Province of Manitoba he found that one member of the Local Assembly was in the Senate, and two members of the same body were in the House of Commons. This state of things was not interfered with, but when we came to the Province of Ontario, the case was very different—the members of the Local Legislature are not to have the right to sit in Parliament. So far as Ontario was concerned, the Bill went further than the Legislature of that Province contemplated when it passed its local Act, and that fact of itself showed conclusively that Parliament was now asked to step beyond its jurisdiction and interfere unnecessarily in local legislation. He objected most emphatically to giving judicial power to the returning officer, as provided for under the bill—a power not given him by any other statute ever passed. If the returning officer acted unjustly what redress would the candidate have?

Hon. Mr. CAMPBELL said that he could petition, and have the case examined by the Committee on contraverted elections.

Hon. Mr. CHRISTIE said that he could not appear before the Committee, for it might be that he was not even recognized as a candidate—he might not even be nominated. Such a case was very likely to happen, there had been cases of returning officers actually returning themselves. He was opposed to dual representation, but he certainly could not support a measure which was at once partial and unconstitutional in character.

Hon. Mr. MITCHELL said that when the subject of dual representation came up in the legislature of New Brunswick, unlike his hon. friend behind him (Mr. Wilmot) he had been in favor of the policy which was then adopted by that body. He was not going to question the propriety of the course pursued by the legislatures of Quebec, Manitoba, or British Columbia, but he was clear on this point, that if one Province of the Dominion chose to adopt the policy of abolishing dual representation it was only right that Parliament should as far as possible carry out the wishes of the majority in that Province. He thought the constitutional point raised by the Opposition to the measure had been fully answered by the remarks of the Hon. Postmaster General. This legislation now asked for, was not dependent upon a contingency—upon the legislation of the Province. If the bill contained a provision that the Act should not go into operation until something was done by the Legisla-

ture of Ontario, then it might be considered a contingent legislation. He found that in three of the Provinces a policy had been laid down by the legislature as to the men who should sit in the Assemblies, and the present law was intended to apply to that state of things—to carry out the spirit and intention of the local statutes. The hon. member who last spoke (Mr. Christie) had said that he knew of no statute where a judicial power was given to a returning officer as was the case in the bill. Now by reference to the legislation of New Brunswick it would be found that there was a law on the statute book, in which the Returning Officer had the power given him to declare a candidate disqualified to be voted for or returned in case he did not place his declaration of qualification in the hands of the former within a certain time. As a member of the Government he denied most emphatically having initiated any legislation with the view of affecting the seats of particular gentlemen in the other branch. The Government had not, directly or indirectly, inspired the measure, they had simply dealt with it as they dealt with every question which came before them, as public men bound to give every subject their most careful consideration. He, for one, would be sorry to see the gentlemen in question excluded from Parliament, as it was advisable to have in that body the best men we would have. As respects the probability of an injustice being done to a candidate by a returning officer, it must be borne in mind that he had his right of appeal to a Committee of the House.

Hon. Mr. CHRISTIE—How can a person who is declared ineligible to appear as a candidate come before a committee—he is not recognized?

Hon. Mr. MITCHELL—Every person has the right of petitioning Parliament and asking for redress. If a candidate was improperly excluded by the returning officer he could petition Parliament and obtain a remedy. The bill was no interference with local legislation, the Parliament simply defined its own rights and expressed its wishes with respect to its own representation. He referred to the Election Law to show that the rejected candidate had a right to appear before the Committee of the House. Under any circumstances, he contended it was not unusual to legislate for one province differently from another. The ballot was still in operation in New Brunswick, whilst open voting was retained in Quebec and Ontario.

Hon. Mr. LETELLIER DE ST. JUST—

Hon. Mr. Mitchell.

The Government did not find themselves strong enough to bring in a general measure respecting the mode of conducting elections.

Hon. Mr. MITCHELL—The Government professed to govern in accordance with the "well understood wishes of the people." The Government would not attempt to interfere with those rights and privileges to which the people of a Province professed an attachment. No one denied that the Senate should criticize and deal with every measure that came up from the other branch, but what the Hon. Postmaster General urged was that the Senate should not interfere unduly with a measure of a special character, affecting the interests and privileges of gentlemen in the Commons.

Hon. Mr. LETELLIER DE ST. JUST said that whilst the hon. gentlemen opposite professed a great indifference, they certainly displayed a large amount of earnestness—in fact, excitement,—whilst discussing the question.

Hon. Mr. MITCHELL said that the Government discussed that measure as they did all public acts with earnestness; but they did not instigate the Bill.

Hon. Mr. LETELLIER DE ST. JUST contended that the Bill was only establishing partial legislation, and that the duty of the Senate was clearly to reject it. He did not understand the argument of the Hon. Postmaster General, that the Senate should not interfere with such a question.

Hon. Mr. CAMPBELL had only referred to the expediency or propriety of interfering with a measure of the kind.

Hon. Mr. LETELLIER DE ST. JUST said that the application of the elective principle to the old Legislative Council had been mooted in the House of Assembly. He did not see why the Senate should not declare what was best for the general welfare of the country. The Government were aware that the bill was partial and exceptional in its character.

Hon. Mr. LETELLIER DE ST. JUST—Well the press of the country had revealed the motive at the bottom of the measure.

Hon. Mr. McLELAN said that the Legislature of Ontario went as far as it could to declare against dual representation, but it could not define the qualifications of a candidate for the House of Commons, and therefore it was left for Parliament to perfect the legislation on the question. He referred to the practical workings of a similar measure in Nova Scotia to illustrate some of the effects of the Bill.

Hon. Mr. REESOR said that it was not a matter of surprize that the Minister of Justice had not voted for the Bill, for he must have had his doubts as to its constitutionality. By reference to the Constitutional Act it would be seen that the Local Legislatures had exclusive jurisdiction over the property and civil rights of the Province. It was obvious that it was an interference with such rights to tell them that they should not send the candidate they chose to the House of Commons. A question might also be raised as to the propriety of having one person elected for two constituencies, and allowing him subsequently to select his seat. That privilege which had existed from time immemorial was more extraordinary than the one which would allow one person being elected for two Legislatures. He had been always opposed to interference with the rights of the people, and believed they should exercise the privilege of electing men to both Legislatures; for he believed there would be many cases where such a provision would be beneficial to the public interests. The present Bill went still further than the law of Ontario and limited the selection of a candidate by a constituency. If a constituency favored a particular candidate for the House of Commons, he could be elected under the law of Ontario as it now stands, but if the Bill was passed then he must first resign his seat in the Ontario Legislature. If he was not returned, then the country would lose the benefit of his services altogether.

Hon. Mr. McMASTER said that the Government repudiated all connection with the Bill, but it was a remarkable fact that the gentleman who proposed the same measure last year was opposed by them, while this session they pursued an entirely different course. The warmth displayed by members of the Government discussing the question showed how much interest they took in the matter. It would be remembered that the late Premier of Ontario strongly opposed the rejection of the principle of dual representation, but public opinion became so strong at last that he was forced to yield to the extent of providing that the members of the Local Government should not be elected to seats in the Dominion Parliament. When the present Premier of Ontario came into power he brought in a measure stipulating that dual representation should be abolished, but it was not to go into operation until the new Parliament was elected. Under that Bill no member of the Local Legislature, whether connected with the Government or not, could sit in the

Commons, but until Parliament met the members of the Local Government could retain their seats in the Local Legislature—they might remain there for one session, in fact. Now the present bill set aside that act, and he would not vote for it inasmuch as it was, in his opinion, a most unwarrantable interference with the rights of the Local Legislatures.

Hon. Mr. BUREAU only wished to add a few remarks to show the imperfections of the Bill. The provision giving power to the returning officer was without precedent, and must have the most injurious results. Power was given to that officer to decide, without appeal, if a candidate is eligible or not in the sense of the bill. The first section stated that no person shall be eligible to or capable of being nominated for the House of Commons, if on the day of nomination he is a member of the Legislative Council or Assembly of any Province where dual representation has been abolished. Now suppose a member of one of these Local Legislatures should place his resignation in the hands of the Speaker, as is the custom, in order to qualify himself to appear as a candidate for the Federal Parliament, and suppose the Returning Officer thought proper to ignore or pretend to ignore such a resignation. Would it not be possible for an unscrupulous Returning Officer to deny the authenticity or legality of this resignation? The experience of the past ought to put us on our guard. What authority was proposed to regulate the dispute between the Returning Officer and the candidate in question? On a matter of such grave moment it was not even proposed to allow the same protection which the humblest person was able to demand at the hands of the tribunals of the Dominion. Yet the Government were willing to assume the responsibility of such dangerous legislation. In fact, if we examined the arbitrary provisions of the bill, with the Act providing for the independence of Parliament, any one must be convinced of the truth of his assertions. The Act set forth that no one shall be eligible or shall take his seat or vote, if he shall be disqualified according to the Act. These were also the same terms used by the Legislature of Ontario during its last session. Is the Returning Officer, in either case, constituted the sole judge. No. Yet the Government on the eve of a general election supported a measure so novel and impolitic. The Hon. Postmaster General has said the bill would save expense, but that was an error; for should it happen that the returning officers should be summoned to the bar of the Chamber, every day devoted to the

necessary enquiry would entail a heavy expense and retard the progress of legislation. In whatever light he considered the Bill, he saw reason to regret that it was introduced; but in any case it ought to be amended so as to take away from the returning officer a power which ought only to be exercised by the Legislature or the regularly constituted tribunals for the trial of contested elections.

Hon. Mr. WARK objected to the power given to the returning officer as extraordinary, and likely to lead to abuses. He wished to see our legislation of universal application, not partial in its operations, as would be the case with the present measure should it become law. He was not opposed to dual representation, and had always entertained the same opinion. He thought the Parliament should not deal hastily with the question, but wait until we had more experience of the practical results of the working of the new system. He pointed out the expense and inconvenience that a candidate coming from Nova Scotia or New Brunswick would be subject to in case he had to appear before an Election Committee. If the Government had brought in a bill to have a trial in the Province itself the case might be different.

Hon. Mr. SUTHERLAND was unwilling to vote without expressing his opinion that the measure was objectionable to him. It appeared to him that the Bill was intended to steal a march on the Legislature of Ontario, and he did not believe that was the proper time or legitimate way of dealing with the matter. He was not opposed to a general measure, but he could not vote for a Bill so partial in character.

The question of concurrence being put the House divided and the names being called for they were taken down as follows:

Contents.—Hon. Messieurs Aikins, Armand, Benson, Botsford, Burnham, Campbell, Carrall, Chapais, Cornwall, Dickson, Dumouchel, Ferrier, Foster, Girard, Hamilton, (Kingston), Holmes, Lacoste, Leslie, McClellan, McLellan, Macdonald, Mitchell, Odell, Panet, Perry, Read, Ryan, Shaw. . . 28.

Non-Contents.—Hon. Messieurs Blake, Bureau, Chaffers, Christie, Cormier, Flint, Guevremont, Leonard, Letellier de St. Just, McMaster, Malhoit, Olivier, Price, Reesor, Seymour, Simpson, Sutherland, Wark, Wilmot. —19.

So it was resolved in the affirmative, and

The said Bill was then read a second time accordingly.

Hon. Mr. Bureau.

AFTER RECESS.

The following Bills were read second time:—

Banque Ville Marie incorporation Bill. (Hon. Mr. Letellier de St. Just.)

Immigration Act Amendment Bill (Hon. Mr. Campbell.)

Canada Improvement Company Bill. (Hon. Mr. Ryan.)

North Western Trading Company Bill. (Hon. Mr. Benson.)

Ottawa, Vaudreuil and Montreal Railway Bill. (Hon. Mr. Flint.)

Canada Central Railway amendment Bill. (Hon. Mr. Benson.)

Public Works Act doubts removal Bill. (Hon. Mr. Campbell.)

Charlotte County Commissionners of Piquets Bill. (Hon. Mr. Campbell.)

Hudson's Bay Company Loan amendment Bill. (Hon. Mr. Campbell.)

Halifax Harbor Master's appointment Bill. (Hon. Mr. Mitchell.)

Nova Scotia Shipping of Seamen Bill. (Hon. Mr. Mitchell.)

Bridges Bill (Hon. Mr. Campbell.)

St. Lawrence and Ottawa Railway Bill. (Hon. Mr. Macpherson.)

The House went into Committee and passed:

Fraudulent marking of merchandise Bill. (Hon. Mr. Campbell); also Polling Districts in Inverness, Nova Scotia Division Bill.

(Hon. Mr. Campbell); also Voters Lists for Elections in Nova Scotia Revised Bill.

(Hon. Mr. Campbell.)

These three bills were passed and sent back to Commons.

A number of bills were received from the Commons.

The House then adjourned.

HOUSE OF COMMONS.

MONDAY, June 10, 1872.

The SPEAKER took the chair at 3.20 p. m.

MISCELLANEOUS.

Hon. Mr. MACKENZIE presented several petitions against the Township of Dunn being added to the County of Monck for representation purposes.

Mr. OLIVER stated that his name was omitted from the division on Saturday upon Mr. Power's amendment to the Representation bill. He had voted "Yea."

The SPEAKER ordered that the Journals be corrected in this respect.

THE LOOM PATENT.

Hon. Mr. CHAUVEAU moved the second reading of the bill to authorize Joseph E. Archer to take out a patent for an invention known as the Hollens-Roberts Knitting Machine and Loom.

Hon. Mr. MACKENZIE opposed the bill on the ground that it was a violation of the principle that had already passed a third reading of the House. It was very objectionable legislation.

Hon. Mr. CHAUVEAU said the bill had not yet become law.

Hon. Mr. MACDOUGALL objected strongly to exceptional legislation of this kind. The principle was unsound and precedent that would be established was a bad one. There was nothing whatever in the case to justify a patent being issued.

Hon. Mr. HOLTON would not discuss the merits of the case, but having passed a general law it was unwise to pass any exceptional legislation, and he called upon the Government to explain their policy.

Hon. Sir JOHN MACDONALD said that the patent law passed the other day was certainly a strong ground against this bill. He would not say that exceptional cases could not arise, but in this case, he did not think such exceptional circumstances had been established.

Mr. MILLS raised a question of order, the principle of this bill having been already decided in the patent law just passed.

The SPEAKER did not consider the point of order a good one.

A vote was then taken with the following result: Yeas, 40; nays, 76.

RELIEF BILL.

Hon. Col. GRAY resumed the discussion on the Voulton bond holders' relief bill, and moved the House into Committee on the proposed amendment. He had consulted the Minister of Justice, who thought that the bill might pass, leaving the shareholders to run the risk of having their case decided before the courts.

Hon. Sir JOHN MACDONALD said the matter was surrounded with difficulties out of which he could hardly see his way. He had every respect for the Supreme Court of New Brunswick, but doubted the correctness of the decision in this case. The bondholders had a fair claim somewhere, and he was willing that their risk in this bill should pass, the question to be left to the tribunals as to whether this House had jurisdiction or not.

Hon. Mr. BLAKE rose to a point of order, that no instruction could be given

to a committee which had power to act without instruction; and having reference to the serious consequences of the passing of this bill upon railway bonds in Ontario and Quebec, which would be declared illegal by this Act. He could not vote for it.

Hon. Sir JOHN MACDONALD said the point of order was well taken.

Hon. Col. GRAY did not wish to press the matter against the opinion of the House, as it had been stated that large interests in Ontario and Quebec would be affected by its passing. He would therefore withdraw it.

REPORTS AND BILLS.

Mr. GIBBS presented the report of the Public Accounts Committee, containing the evidence on the claims of Dr. Schultz for losses in the North-West insurrection.

The following bills were then read a second time, referred to committee, reported, and then read a third time and passed:—An Act to incorporate the Canada and New York Bridge and Tunnel Company—Mr. Carling; an Act to amend the Act incorporating the Queenston Suspension Bridge Company—Mr. Morrison (Niagara); an Act to amend the Act incorporating the St. Mary Railway and Bridge Company—Mr. Morrison (Niagara); an Act to amend the St. Francis and Megantic Railway Act—Mr. Morrison; an Act to amend the Act of incorporation of the Ontario and Erie Ship Canal Company—Mr. Morrison (Niagara); an Act to incorporate the Pacific Junction Bridge Company—Mr. Morrison (Niagara); an Act to incorporate the Lake Superior and Fort Garry Railway Company—Mr. Morrison (Niagara); an Act to incorporate the Central Railway Company of Manitoba—Mr. Bown; an Act to incorporate the Manitoba Junction Railway Company—Mr. Shanly; an Act to revive and amend an Act passed by the Legislature of the late Province of Upper Canada, incorporating the Gananoque and Wiltzie Navigation Company—Mr. Crawford (Leeds); an Act to incorporate the Lake Superior and Winnipeg Railway Company—Mr. Nathan; an Act to incorporate the Northwest Railway Company of Manitoba.—Dr. Schultz; an Act to incorporate the Thunder Bay Silver Mining Railway Company—Col. Gray. The amendments to the Act to incorporate the Agricultural Insurance Company of Canada, from the Senate, were concurred in.

QUESTIONS BY MEMBERS.

Mr. MASSON (Soulanges) asked whether an action brought against the Government

by the heirs of De Beaujeu, who claim certain rights of property in respect of ordnance lands at the foot of Coteau du Lac, has been taken into consideration and decided by the Court; and if not, what are the intentions of the Government with regard to that case which has now been long pending before the Court.

Hon. Sir GEORGE CARTIER replied that the question was still pending before the Courts, and no decision had taken place. His hon. friend would understand that the matter could not be decided by the Government, but by judgment of the Court. They had reason to believe that a verdict would shortly be rendered.

Mr. WOKMAN, for Mr. GRANT, asked whether it is the intention of the Government to supply each of the members of the various Local Parliaments with a copy of the Parliamentary sessional papers.

Hon. Sir GEORGE CARTIER replied that the question had been answered that it was not a matter for the decision of the Government, but for the action of the House.

Hon. Col. GRAY, for Mr. RENAUD, asked whether it is the intention of the Government, before asking a vote of the House for the opening of the Bay Verte Canal, (which according to the survey's report will cost several millions), to cause a survey to be made of the ground between Shediac and Moncton; and also of the ground between Shediac and Memramcook, in order to ascertain whether it would not be more practicable as a matter of economy to connect the Gulf of St. Lawrence and the Bay of Fundy by that line rather than to follow the line recommended in the report of the survey, the said survey being the only survey made by the Dominion.

Hon. Mr. LANGEVIN said it is not the intention of the Government.

Mr. WOKMAN asked whether there have been any negotiations between the Grand Trunk Railway Company and the Government, or the Grand Trunk Railway Company and the Commissioners of the Harbour of Montreal for the acquisition by that Company of the railway track along the wharves and harbour of Montreal; and whether the Government have agreed to permit or intend to permit the said company to carry out their design in that respect, as described by the President of that Company in his annual address delivered on the 25th April last, viz., to pay for any design if they become the sole owners of the railway track along the wharves and harbour of Montreal, and

thereby to acquire the sole right of using the said track for their own traffic.

Hon. Sir GEORGE CARTIER would inform his hon. friend that he was entirely under an erroneous impression. It was not in the power of the Government to give authority either to the Grand Trunk, the Colonization, or any Railway Company, for that exclusive right. The power was vested in the Harbour Commissioners and the city of Montreal.

Mr. FOURNIER asked whether, in conformity with the statement of the Minister of Justice, the Government have directed Mr. Justice Bosse to comply with the order of the Quebec Government under date of 7th April 1869, fixing his residence at Montmagny, and whether any and what delay has been prescribed for his compliance with that order.

Hon. Sir JOHN MACDONALD replied that it was only the other day that he had promised to take the matter up, and from pressure of business he had not been able to do so; but as soon as the Session was over he would at once communicate with Mr. Justice Bosse.

Mr. ANGLIN asked why it was that the barrack ground and other military property at St. John, N.B., had not passed to the Dominion, as similar property in other parts of the Dominion had done; and if, when it is transferred, the Dominion Government will be prepared to make an arrangement with the corporation of St. John in regard of such property?

Hon. Sir GEORGE CARTIER replied that the property had not been handed over by the English Government in consequence of a question raised by the corporation of St. John, but should the surrender be accepted by the Dominion, the property would be for defensive purposes, that is to say, for the same object as it was held by the Imperial Government, and the Dominion Government was ready to accept the transfer on that understanding, and then allow the corporation of St. John to file any claim they may have against that property.

NOTICES OF MOTION.

Mr. FORTIN moved for the correspondence respecting St. Lawrence pilots.—Carried.

Mr. MASSON (Soulanges), moved for the correspondence respecting the Fort at Coteau du Lac.—Carried.

Mr. MILLS moved for copies of the correspondence between the Governments of Ontario and the Dominion, respecting the northern and western boundaries of the Province of Ontario.—Carried.

Mr. STREET moved the second reading

Mr. Masson.

of the bill to further amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. He explained that the object of the bill was to provide that a deposition taken before a Justice of the Peace, duly sworn to by witnesses upon which the prisoner shall have had every opportunity to cross-examine, should be used before the Court of Appeal in lieu of the oral evidence of the witness, should he be absent from the country, or too ill to attend the Court.

Mr. SCATCHERD objected to the bill, and would be sorry to see any measure pass which would prevent parties appealing from the decisions of magistrates.

Mr. FERGUSON saw a great deal of objection to the bill. He had not a very strong faith in the evidence taken before nor in the decisions of magistrates, and thought that every person should have a right to appeal. The evidence might be taken but should not be binding upon the Judge.

Mr. DREW thought that while the Bill would remedy one evil, it would open the door to a greater. From experience he could say that many giving evidence before magistrates were ignorant persons, and the evidence was not always taken down correctly, and when cases were taken into the Courts the facts were found to be quite different.

Hon Sir JOHN MACDONALD had been anxious to hear the opinions of hon. gentlemen who had had experience in the country on the point. The House would see that the matter was a local one, applying particularly to the Niagara frontier. Foreigners and Americans visiting there and getting into disputes with cabmen and others, were frequently badly used, and on applying to a magistrate for relief, the offender would appeal, knowing that the traveller would not be able to await the appeal, and thus injustice was done to strangers visiting Canada. His hon. friend had taken great care in providing that all the evidence taken before magistrates should not be read in appeal, but only in cases where a magistrate sits as a judge to try parties under the Summary Conviction Act; so that when the case is brought up in the Quarter Sessions afterwards, the party being out of the country, all the evidence may be read. The reason was a local one, pressing very much upon that part of the country represented by his hon. friend; but he would recommend him not to press it, and the matter could be taken up next session.

Mr. STREET said the Minister of Justice had correctly stated the case, and under

the circumstances he would withdraw his bill.

COPYRIGHT.

Hon. Sir F. HINCKS moved the House into Committee to consider certain resolutions on the subject of copyright.

The Committee rose, reported, and the resolutions were read a first and second time.

It being six o'clock the House rose.

AFTER RECESS.

THE REPRESENTATION BILL.

Hon. Sir JOHN MACDONALD moved the third reading of the bill for the readjustment of representation.

Mr. WORKMAN, having received a petition from Montreal against the bill, now desired to express his views on the subject. He read the petition, objecting strongly against the proposed division of Montreal, and advocating the separate representation of the commercial portion of the community, and urging that the present division gave the most general satisfaction. The petition was signed by 751 of the principal merchants of the city, and headed by Sir Hugh and Andrew Allan. He then placed the petition on the table, stating that in point of wealth, position and standing of those who had signed it, no such petition had ever been laid before the House. The petition came from a "Protestant minority" of Montreal.

Hon. Sir GEORGE CARTLER—Is that in the petition?

Mr. WORKMAN had letters to that effect. He then referred to the present division of Montreal, the central division comprising nineteen-twentieths of the entire mercantile community of the city. He then quoted the amount of duties paid by Montreal, claiming that the Central division which he represented contributed nearly 45 per cent. of the entire customs revenue of the Dominion. He referred to his division as having at first formed by the Minister of Militia, saying that he and the Government were well satisfied so long as the division was represented by a thick and thin supporter of theirs, but the moment a change took place, and he (Mr. Workman) was returned, the Government desired to change the constituency. He was glad to see the additional representation given to the commercial interest in Ottawa, Toronto and Hamilton; and claimed that on the same principle the manufacturing interest of Montreal Centre should be allowed separate representation. If Montreal had members in the same

ratio as Ottawa, she would have ten. He desired above all to avoid religious controversy and should not have now mentioned it but for the remarks of the Minister of Militia on the subject a few days ago, as reported in the *Toronto Mail*, from which he quoted, as he believed it contained the best report published. The Minister of Militia had stated that the proposed division would practically make the West ward a Protestant ward. He denied that this would be the case, and quoted the figures showing a majority of over 5,000 Catholics, and he challenged the Minister of Militia to prove his statement. Though the number of voters in Montreal Centre was small, it comprised those who, to a large extent, comprised the wealth, intelligence, and enterprise of the Dominion, and they only asked to be let alone and not overwhelmed by an immense number of voters who differed from them in nationality, religion and occupations. Among those voters who were to be added to the Central Division, 6,000 were Protestant and 13,000 Catholics; and while he did not desire in any way to reflect on the Catholics, he must in self-defence refer to the matter. As at present, the Central Division was mainly Protestant. Turning to the matter of property, the Protestants possessed property in the proportion of nineteen to seventeen as compared with the Catholic, and therefore, in point of numbers, they had a right to a member, which they could not have if overwhelmed by Catholics votes, as proposed in the present measure; and he appealed to the members of Ontario on behalf of the Protestant minority, as men and co-religionists not to allow them to be disfranchised. He quoted letters from gentlemen in Montreal, his political opponents even, condemning the changes as most outrageous, foolish and uncalled for; and saying that but for the want of time, the number of subscribers to the petition would have been doubled. He maintained that the proposed change would, in case Protestants were ever ranged against Catholics at the polls, altogether overwhelm the Protestant interest. He hoped that he had made out his case, and if not it was not his fault nor the fault of his cause. He moved, seconded by Mr. Ross (Prince Edward), that the bill be not now read a third time, but referred back to Committee to strike out all the proposed changes in Montreal.

Mr. RYAN said, if he regarded the measure with a view to his individual interests, he should entirely oppose it, but looking at it in a broader and noble sense he should not take that course. The hon.

member had appealed to the Protestants of Ontario, but his own position gave him no foundation for such an appeal. During many years Montreal had returned one Protestant and two Catholics, and in case of Three Rivers and other constituencies, Protestants were returned by Catholics voters; and this showed that Lower Canada was not ruled by bigotry. The Protestant population of Montreal was not one-third, as had been stated, but whatever division took place the feeling of justice and fair play animating the Roman Catholics would ever continue and would result in returning one Protestant. He should, therefore, oppose the amendment, believing that the measure proposed would effect a just and fair division in point of numbers. He quoted from the *Montreal Witness*, saying that on the whole the end proposed by the measure would be gained. The French have the majority in the east, the Irish in the west, and mercantile community in the centre. He referred to the representation in the City Council, where there were five Protestants and three Catholics. The fact was that the measure might effect his colleague and himself. They would have to exchange constituencies probably, but looking at the measure altogether and not on individual grounds, he should support it.

Hon. Sir GEORGE CARTIER referred to the petition presented by Mr. Workman, stating that among the subscribers there were the names of men of the highest standing, and especially Sir Hugh Allen, who headed the list; but if he criticised the petition he could show it variously signed, and by no means comprising the entire mercantile community. The petition, however, only protested against the division on commercial grounds and did not take the grounds mentioned by the member for Montreal Centre, that justice was not done to the Protestants. The petition did not use the argument because there was no reason for it, and he would therefore refer to the commercial argument. It was absurd to say that the Central Division comprised all the mercantile interest. It might contain the importers, but there were the gentlemen concerned in the great lumbering trade and other branches of exports who resided in other parts, and the addition of St. Anne's Ward, made the Central Division more properly a commercial ward than before. Montreal was prosperous and successful and was becoming the commercial focus of the Dominion; and to say that that state of things arose solely from the Centre Ward with its present small population was absurd. He referred to the

Mr. Workman.

population of Montreal, according to the present census as sustained by the census taken in the city, to show the small population of the Centre Ward. (At this point there was a loud cry from a baby in the gallery causing great amusement and laughter and bringing Sir George to a full stop.)

Hon. Mr. HOLTON.—Put down for once.

Hon. Sir JOHN MACDONALD—No; on the contrary, I think my hon. friend has been paid a high compliment, inasmuch as he has succeeded in attracting the attention of the infantry (Laughter.)

Hon. Sir GEORGE CARTIER said the whole population of Montreal Centre was 5,264; among whom were 4,232 Catholics. The number of voters was 2,392. The entire population consisted of 79,000 Catholics and 29,000 Protestants, there being among them 58,000 French Canadians; and he desired to state these figures in reply to the charge that he (Sir George Cartier) was endeavouring to put the Protestants in a false position. He had stated, as mentioned by the member for Montreal, and as reported in *The Mail*, which he acknowledged gave the best and most trustworthy report of Parliamentary proceedings, that in the West Ward the strongest electoral element was Protestant; and he maintained this to be the case, the figures being as follows: French Canadian, 2,300; Irish, 1,000; and Protestants, 2,600. He quoted from the *Nouveau Monde*, in French, translating it, to the effect that Montreal, two-thirds Catholic, would always return one Protestant, and accusing him of being anti-Catholic, while the member for Montreal Centre, making himself the Protestant champion, accused him of being anti-Protestant, and all this proved him to be in the right place between the two extremes, in fact, virtue itself. (Laughter.) He (Sir George) was a sincere Catholic, desiring his faith to be respected as he would respect that of others, and he desired that the mercantile community of Montreal should have a representative. He himself respected religion, and thought very little of any one who said he cared nothing for it. He had always spoken in the same way on religious questions, no matter what his audience, and every one who had a faith ought to feel that he would receive that justice in the country that would make him feel that religiously he was not in a minority. He quoted from the *Montreal Daily News*, approving of the measure, but expressing surprise that he (Sir George) should pursue a policy in the matter that would tend to alienate his own friends, and saying that he (Sir George) was a tried and trusty friend to the Protestant electors of Montreal, and he

thought that was a pretty good certificate from a Protestant paper to him, a Catholic.

He maintained that the Protestant vote was paramount in Centre Montreal, referring to the recent municipal elections, regretting, however, that any religious feeling should then have been invoked.

Hon. Mr. HOLTON said there was no religious element in the question.

Hon. Sir GEORGE CARTIER denied this, quoting the *Nouveau Monde* in his support. A more equitable redistribution of the representation of Montreal could not be made than that contained in the bill, and he quoted the number of voters in each division, stating it to be out of the question that Montreal Centre should be left as at present in the interest of the present member.

Mr. WORKMAN—Who made the previous division?

Hon. Sir GEORGE CARTIER acknowledged that he had done so, but maintained that the circumstances were then quite different. He denied the charge that he had desired to get rid of his own constituents, and concluded by maintaining again the equitable readjustment of the representation.

Hon. Mr. HOLTON said he intended to support the motion of the hon. member for Montreal Centre, although on different grounds. He would state his reasons. If the Minister of Militia would bring in a measure to correct all the anomalies in the representation, he would be prepared to consider it; but why deal with this one constituency? Why not let things alone until the time arrived for a general change? He (Mr. Holton's) main objection was the exceptional character of the legislation. He would not discuss the question of Catholics and Protestants. Religious questions had not been brought up in his election. He had not been successful with such a cry, and he had not been defeated. The ground on which Montreal Centre was organized ten years ago was good to-day. The English population was great then, and they have not since demanded any change, and therefore it was unwise to make any change unless asked for.

Hon. Mr. POPE could not understand why the member for Montreal Centre did not desire a change. It was because the constituency was so small. He (Mr. Pope) represented a minority in Lower Canada, and did not think that this subject should be discussed as between Catholics and Protestants.

Mr. WORKMAN—I did not raise it.

Hon. Mr. POPE contended that he had, quoting his language to the effect that the

merchants of Montreal did not wish to be hemmed in by Catholics. He (Mr. Pope) had felt it his duty to place such questions beyond the reach of political discussion; and while he acknowledged fealty to the Protestant minority in Lower Canada, he deprecated the attempt to make political capital by raising creed against creed.

Mr. CAMERON (Peel) thought that the Protestant minority in Lower Canada had no reason to complain of the manner in which they had been treated by the Roman Catholics. He had felt strongly on this point. When it was represented that the proposed change would place the Protestants in a worse position, he had felt as a Protestant that if there was to be an arrangement of that kind it was his duty on behalf of his religion to do everything in his power to prevent it. He had consequently communicated with Protestant friends in Montreal who had informed him that the proposed change would strengthen the Protestant vote. If it had been otherwise, he did not hesitate to say that he would have voted against the measure. (Hear, hear.)

Mr. SCRIVER thought that the member for Montreal Centre had no intention of raising the religious question. He had spoken in a state of excitement, and had used language which he probably did not mean. From his past experience of the career of the Minister of Militia, he had no doubt that the Protestant minority would be liberally dealt with. His opposition to the bill was on a different ground. He believed that the commercial centre of Montreal was entitled to representation, but by the proposed change they would not be able to have such representation. He quoted from the Montreal *Witness* of a later day than that quoted by Sir George Cartier, to the effect that the commercial community did not approve of a change in the representation. The Montreal *Herald* and *Gazette* also opposed the change. He was bound therefore, to support the amendment of the hon. member for Montreal Centre.

Hon. Sir JOHN MACDONALD regretted that his hon. friend from Montreal Centre should have raised the religious question. He felt sure that the matter under discussion would not affect the balance of parties in that respect.

Hon. Mr. HOLTON said no such thing as a religious question had ever been raised in any of the political contests with which he had been connected.

Hon. Sir JOHN MACDONALD was glad to hear his hon. friend who had had long experience say so. He (Sir John) since

Hon. Mr. Pope.

1851 could bear testimony to the fairness with which Protestants had been treated as regarded representation in Montreal; and if there had been an inequality it was because there had been two Protestants. The attempt therefore, to introduce the religious element was unfortunate. He did not blame the member for Montreal Centre for desiring to protect the rights of the Protestants, but he regretted extremely that he had attempted to rouse the religious feelings of the Protestants of Ontario against the Catholics of Lower Canada, as the rousing of these feelings in Upper Canada would revive the latent feeling in Lower Canada against the Protestants, and would re-act in the Local Legislature there. He could not complain of the tone of the member for Chateauguay in the matter, for that hon. gentleman in the past had consistently advocated tolerance in religious matters, and he would no doubt continue to do so in the future; but his argument was erroneous in that he said he could not vote for the change proposed in Montreal because it was exceptional legislation, although he admitted it to be an essential reform if applied to the whole Dominion. All reforms had to be gradual, and if he (Sir John) remembered aright, no later than Saturday the hon. gentleman voted for one piece of exceptional legislation in adding Port Neuf to Quebec; and therefore on that ground and also in order to show his disapproval of the introduction of religious feeling into the discussion, the hon. gentleman ought to vote against the amendment proposed by the member for Montreal. With reference to the argument of the member for Huntingdon, that the commercial interest ought to be represented, he contended that the addition of Griffintown to Montreal Centre in no way took away from its character as a mercantile constituency, inasmuch as humble artisans were quite as much a portion of the commercial interest as were the wealthy employers. In every principle, then, the measure was just. There was an equalization of votes, the different interests were represented and jealousy of race was prevented, inasmuch as in all probability the elections would result in the return to Parliament of a French Canadian, an Irish Catholic, and an English Protestant.

Mr. FERGUSON regretted extremely that the religious question had been introduced, but thought that the speech of the Minister of Militia had set that matter at rest. He had it from gentlemen in Montreal that the proposed change would do no injury to the Protestant feeling there, and the Minister of Justice had clearly

shown the House that the power of the merchants would be increased rather than decreased. He could not see the justice of a city of 107,000 people being divided into three constituencies, one having only 7,000 people, while the other two had 50,000 each. He hoped his hon. friend from Montreal Centre would be convinced that justice had been done, and that the Protestants would not suffer. He should have no hesitation in voting against the amendment.

Mr. BOWELL thought the member for Montreal Centre had been rather harshly treated. Although that gentleman might have spoken warmly, he had not originated the question of creed or religion in the discussion. If any feeling had been aroused, it was due to the Minister of Militia. He felt that the premises laid down by the Minister of Militia had not been borne out by the facts. It had been shown that the Catholic vote of the proposed new division would exceed the Protestant by some 6,000. If he rightly understood the matter, St. Ann's ward was almost exclusively a manufacturing ward, while the present Centre Division was composed of merchants and importers whose interests were diametrically opposed to those of the manufacturers, and yet it was proposed to throw these interests together. He would vote for the amendment.

Mr. ANGLIN thought the hon. gentleman should have appealed to the justice of both Protestants and Catholics, rather than to Protestants only. Had he made out a case he (Mr. Anglin) would have voted for the amendment, as he felt that justice was due to the minority in all cases. He had listened with attention to the statement of facts, and thought there was no danger of Montreal ever being without a Protestant representative. He would vote against the amendment.

Mr. WORKMAN maintained that he had not introduced the religious question, but that it had been forced upon him by the Minister of Militia. He did not wish to say one word that would be offensive or objectionable to the Roman Catholics. He had lived among them in peace for forty years, and he did not wish any member in the House to think that he had the least feeling against that body. He quoted from the *Montreal Gazette* and *Herald* to show that the proposed change was distasteful to the people of Montreal, and would again state that if he had said one word offensive to any Roman Catholic, he humbly wished to withdraw it.

The members were then called in, and

Mr. Workman's amendment lost on a division—Yeas, 22; nays, 95.

The bill was then read a third time and passed.

SUPPLY.

The House then went into Committee of Supply, Mr. Street in the Chair. Various items were passed without discussion, and the Committee rose and reported.

ELECTION ACT.

Hon. Sir JOHN MACDONALD introduced a bill to amend the Parliamentary Election Act of 1871. He also gave notice that to-morrow he would move an address to His Excellency Lord Lisgar, on the occasion of his leaving the country.

The House adjourned at 11.30.

SENATE.

TUESDAY, June 11, 1872.

The SPEAKER took the Chair at 3 o'clock.

BILLS.

Hon. Mr. HAMILTON, from Committee on Banking, Railways and Commerce reported upon the Bill with respect to Bills of Exchange and Promissory Notes, with amendment, adopting the law of merchants which prevails everywhere.

Also, bills to amend the St. Lawrence and Ottawa Railway Act.

To incorporate Banque Ville Marie.

To grant additional powers to the Montreal and Ottawa Railway Company.

To incorporate Canada Improvement Company.

These bills were read a third time and passed.

Hon. Mr. DICKSON, from Committee on Standing Orders and Private Bills, reported favorably on petitions of Angus Morrison and others; and of Dominion Trust Company.

CONTINGENT ACCOUNTS.

Hon. Mr. SEYMOUR presented a report from the Committee on Contingent Accounts. Adopted.

WEIGHTS AND MEASURES.

Hon. Mr. RYAN made the motion of which he had given notice on a previous day: That an humble Address be presented to His Excellency the Governor General, praying that (during the interval between the dissolution of the present and the assembling of a new Parliament), steps may be taken by the appointment of a commission of enquiry or otherwise, to

obtain such full and correct information as may enable the Government to submit to Parliament at its next session, a Bill or Bills, providing

1st. One uniform system of weights and measures throughout the Dominion.

2nd. The purchase and maintenance at convenient places of accurate and reliable standards of length, weight and capacity, including standards for the measurement of gas.

3rd. A regular and general inspection of all weights and measures throughout the Dominion.

The hon. gentleman stated that the subject had occupied the attention of the House for some time. In 1870 a special committee was appointed to make enquiry into the subject of coins, and weights and measures throughout the Dominion. That committee made a report which was adopted by the Senate, and after detailing certain circumstances stated that they were "of opinion that no time should be lost in establishing by law a uniform system of weights and measures throughout the Dominion. The duty of initiating legislation on a subject of such importance necessarily devolves upon the Government, and the Committee are of opinion that another session should not be allowed to pass without a measure being submitted to Parliament." Two measures were submitted to Parliament, one of which established the metric system. Another measure, dealing with the general subject of weights and measures and approaching the organization of a uniform system was also submitted, but when it came to be considered, it was not considered sufficiently perfect, and the Government accordingly withdrew it. He did not think that the country had lost anything by the withdrawal of that measure, inasmuch as since that time great progress has been made in Great Britain towards establishing the best system of weights and measures. A Royal Commission had been sitting now for five years, and their measure was about complete. They had already published five voluminous reports, including also the subject of measurement of gas. The measure, however, was not yet before the Imperial Parliament, though there was no doubt it would be there during the present session. Under these circumstances it appeared to him that when the subject was considered of such importance, that it demanded the attention of a Commission composed of the most eminent men, including the Astronomer Royal, the Government in this country ought to take time before the meeting of Parliament

to prepare a measure which will satisfy the people

Hon. Mr. CAMPBELL replied that the Government would consent to the motion. The question had already occupied the attention of the Government, but there were considerable difficulties in the way arising out of the different practices in the different Provinces. A new Parliament, no doubt, would be called upon to deal with the question.

The motion was amended, at the suggestion of Hon. Mr. Letellier de St. Just to add water metres.

SECOND READINGS.

The following Bills were read a second time:

Dominion Trust Company's Bill—(Hon. Mr. Aikins.)

Manitoba Insurance Company Bill—(Hon. Mr. Girard.)

Western Assurance Company Amendment Bill—(Hon. Mr. Macpherson.)

Patents of Invention Bill—(Hon. Mr. Campbell.)

Imperial Guarantee and Loan Society Bill—(Hon. Mr. Macpherson.)

DUAL REPRESENTATION.

The House went into Committee on the dual representation bill, and amendments moved by Senator Letellier de St. Just to prevent the measure interfering with or invalidating Ontario Acts, and make the measure applicable to all the Provinces, which were rejected.

On the motion of a third reading,

Senator BUREAU moved to limit the powers of returning officers.

The motion was negatived by thirteen to twenty-five and the bill was then passed.

Bills on the following subjects were then read a third time and passed:—

Bills of exchange and promissory notes, with an amendment adopting the law of exchanges which prevails everywhere.

St. Lawrence and Ottawa Railway.

Banque Ville Marie.

Montreal, Vaudreuil and Ottawa Railway.

Canada Improvement Company.

Emigration Act.

Public Works.

Charlotte County.

Commissioners of Pilots.

Hudson's Bay Company Loan.

Halifax Harbor Master.

Bridges.

Tea and Coffee Duties Repeal.

Anticosti Incorporation.

Nova Scotia Shipping

Hon. Mr. Ryan.

NEW BRUNSWICK SCHOOL LAW.

Senator WARK gave a sketch of the way Denominational grants were made in New Brunswick, and asked whether the Government, in submitting the New Brunswick School Act for the opinion of the law officers of the Crown, or the decision of the Privy Council, will call on the Government of New Brunswick to assist in preparing the case to be submitted.

Senator CAMPBELL replied that as they were anxious to get all the facts of the case, they would take care that the Government of New Brunswick should be consulted.

Senators LETELLIER DE ST. JUST and CHAPAIS denounced the legislation of New Brunswick as unjust.

Bills on the following subjects were read a third time —

The Manitoba Insurance Company.

Dominion Trust Company.

Patent Laws.

The House then adjourned.

HOUSE OF COMMONS.

THURSDAY, June 11.

Mr. SPEAKER took the chair at three o'clock, p.m.

EXTENDING ACTS.

After routine,

Hon. Dr. TUPPER moved the House into Committee, Mr. McDonald (Middlesex) in the chair, on the following resolutions:—That it is expedient to extend to the Provinces of British Columbia the following Acts:—The Act 31, Vic., c. 58, respecting the navigation of Canadian waters; the Act 51 Vic., c. 59, relating to lighthouses, buoys, and beacons; the Act 31 Vic., c. 64, respecting the treatment and relief of sick and distressed mariners; and the Act 31 Vic., c. 65 respecting the inspection of steamboats, and for the greater safety of passengers by them, and to authorize the imposing of the like tonnage rates and fees as are imposed by the said two last mentioned Acts for the purpose of paying the expenses and remunerating the services required in carrying out their provisions.

The resolution was reported without amendment, and Hon. Dr. Tupper introduced a bill founded thereon, which was read a first time.

ADDRESS TO THE GOVERNOR GENERAL.

Hon. Sir JOHN MACDONALD rose to

move an Address to His Excellency Lord Lisgar, expressive of the regret of the House at his departure. He said that the course of the nobleman had been such, during his stay in Canada, as to command and to retain the good feeling of every one in the country during the whole of his administration. He (Hon. Sir John) believed the House would agree with him in saying that he had performed the duties of his position, as the representative of Our Most Gracious Queen, in a manner that demanded the respect and esteem of all classes of our people in Parliament (hear, hear). It was not surprising that Lord Lisgar should have pursued a constitutional course in the performance of his duties, as long experience in public life in England, as an officer of the Imperial Government, as a member of Parliament, and in several other high positions, had fully qualified him to understand and to carry out the principles of responsible Government, as they obtain in this colony and most of the colonies of the empire. He (Hon. Sir John) thought, therefore, that every one would agree with him that it was fitting, as it was usual in such cases, that Parliament should express its real feelings with respect to the Governor General, or his retiring from office. Personally he regretted exceedingly that the intercourse which, during the whole time Lord Lisgar had been in office, had been pleasantly conducted between that nobleman and himself and the other members of the Government, should now end. In every respect Lord Lisgar had been an exemplary governor (hear, hear.) For reasons personal to himself he had found it proper to give up the government of Canada, and, while we have every reason to believe and to know that he will be succeeded by a countryman of his own equally worthy of our good feeling, yet those who knew him would regret his departure. Without further remark he (Hon. Sir John) moved, seconded by the hon. member for Lambton, that an humble address be presented to his Excellency conveying an expression of that regret.

Hon. Mr. MACKENZIE said that, under our system of Government, alike in England and her colonies, all that we have to expect from the head of the state is to preserve that impartial position between political parties that become absolutely necessary; and to the chief of the Executive, and to the Governor General of this Province, we had always endeavoured to give due credit for the performance of those duties which devolve upon the representative of our constitutional sovereign. He said it must have afforded the

greatest pleasure to members of Parliament to have witnessed the care that had been taken of late years by Her Majesty's representative in this colony, and not less by Lord Lisgar than by his predecessor, to observe that dignified neutrality, which, as a former Governor of Canada had said, was necessary in the Governor of Canada. He had great pleasure in seconding the address to Lord Lisgar, believing that it was due to him that the House should manifest its regard for his administration of the present Government, as might perhaps be inferred from the wording of it, he, of course would not support it; but such was not, he presumed, its intention, as there was no reason for identifying His Excellency's name with those things on which he and others differed with gentlemen opposite. Lord Lisgar had endeavoured to preserve that due balance between parties which was always required of Her Majesty's representative in this country. He had on all occasions shown himself most acceptable to the Canadian people, and had endeavoured to perform the high duties devolving upon him in a manner which called for the grateful approval of all classes of our people. He (Hon. Mr. Mackenzie) appreciated the course of action of the present Governor all the more, as on a former occasion the representative of the Queen, as an hon. gentleman opposite happened to know, had acted otherwise. He had always had the most cordial good feeling personally for Lord Lisgar, and he was sure that the gentlemen of his side of the House looked with the greatest regret upon his approaching departure.

Hon. Mr. MACDOUGALL said that as he was one, if not the only one, of those outside the Government who had enjoyed confidential relations with His Excellency, he desired not to content himself simply with a formal approval of the resolution before the House, but to add one word in corroboration of the sentiments which had fallen from both sides of the House. It was true that Lord Lisgar's administration had fallen upon happy times. There had been no ministerial crisis, no great occasion for the display of those high qualities which the member for Lambton had spoken of with so much propriety; but he (Hon. Mr. Macdougall) was sure, and he believed all others who had had official relations with Lord Lisgar, must feel equally confident, that, if any such occasion had presented itself, he would have held the scales of office evenly and justly in any constitutional crisis. He was a man of great knowledge and experience, and he (Hon. Mr. Macdougall) felt sure that, on

Hon. Mr. Mackenzie.

leaving his present charge and taking his place among the public men of England, his associations with the public men of this country, his knowledge of its great resources and conviction of the brilliant future that is in store for it, will enable him to confer great benefits on this country. We must all feel his loss, even though we have the happiness of knowing—and he spoke from private as well as public information—that his successor, Lord Dufferin, is a man of great qualities and a large experience, and will, we all believe, fill his office with as much distinction and impartiality as the noble Lord who is now leaving us. [Hear, hear.]

The motion was then carried and a select committee appointed to draft an address. The committee reported the following which was adopted and sent to the Senate for concurrence:—

"To His Excellency the Right Hon. John, Baron Lisgar, G. C. B., G. C. M. G., Governor-General of Canada, &c.

"We, Her Majesty's loyal and dutiful subjects, the House of Commons in Parliament assembled, beg leave to express to Your Excellency our sincere regret that the termination of your official connection with Canada now approaches.

"To the able and distinguished discharge of the trusts confided by our Gracious Sovereign to Your Excellency in other portions of Her Majesty's dominions, has been happily added that of the Government of Canada. In expressing our regret at your Lordship's approaching retirement from the high office of Governor General, we venture to add our congratulations that your Excellency's administration of that office has been characterized by the great development of the Dominion and its marked prosperity, as well as by the extension of its boundaries from the Atlantic to the Pacific Oceans.

"Your Excellency will bear from our shores our high respect and esteem. We trust that Your Excellency will long enjoy the honors conferred on you by Her Majesty, and that you may be spared for many years to give, as one of the grand council of the nation, the benefit of Your Lordship's experience and tried ability in maintaining the welfare and integrity of the British Empire."

CENTRAL BANK.

Mr. PICKARD moved the second reading of the bill to authorize the winding up of the Central Bank of New Brunswick. Carried.

The House went into Committee on the

bill, reported it, and it was read a third time and passed.

TEA AND COFFEE DUTIES.

Hon. Sir FRANCIS HINCKS moved the House into committee on the resolution for the repeal of the tea and coffee duties. He explained that the resolution he now proposed was to the effect that all tea and coffee imported from any country, other than the United States, should come in duty free; but that a similar duty should be charged on those articles imported from the United States as the Americans imposed on tea and coffee imported from places other than the countries of its production.

Hon. Mr. MACKENZIE said it appeared to him that this was a violation of the Treaty obligations with the United States, by which we were bound not to make any discriminating duties. In any case he did not believe in retaliatory legislation, and did not think we should impose a burden on our people, because another country imposed burdens on theirs.

Hon. Sir FRANCIS HINCKS thought that the proposed measure would not interfere with our trade obligations with the United States.

Mr. JONES, (Leeds and Grenville,) objected to these cries of retaliation and free trade being raised whenever any tariff question was discussed. The people of the United States legislated for the benefit of their own people, and did not consider whether it was retaliatory or not; and we should adopt the same course.

Hon. Mr. HOLTON said this was another step in the reactionary course adopted by the Minister of Finance since his return to the country, and he trusted there was independence enough in the House to refuse to do the bidding of the Finance Minister, who had been recreant to his principles in the matter of free trade. He did not think the House should be asked to follow the example of Yankee protectionists, and impose onerous burdens on our own people to benefit only a few importing houses.

Hon. Sir FRANCIS HINCKS denied the imputation that he had been recreant to his principles in the matter, and reminded the hon. gentlemen of a policy similar to that under discussion, which he adopted some twenty years ago. It was now adopted in order that the neighbouring country might not place us at disadvantage; and some of his friends in Montreal, strong free traders, had approved of the proposition. The question raised by the member for Lambton as to our treaty obligations, was important; but he felt sure that the resolution did not interfere with those obligations. He then referred to

McCulloch's Commercial Treaties, and quoted a clause which confirmed his opinion.

Mr. WORKMAN approved of the proposition of the Finance Minister, and thought it would give general satisfaction to the trading community.

Hon. Mr. HOLTON asked whether it would be approved by the consumers of tea and coffee.

Hon. Sir FRANCIS HINCKS said it would not affect them.

Hon. Mr. HOLTON contended that it would affect them more than under a free trade policy. He denied that, because a few importing houses in Montreal approved of this measure, it was therefore a good one. If the Finance Minister had said that the duties were necessary for fiscal reasons, it would have been another thing; but, in the absence of that fact, the public should have the benefit of absolute free trade in these, the primary necessities of life.

Hon. Mr. MACKENZIE observed in one of the statements that had lately been published, that the merchants of Chicago and Detroit would be able in future to bring in tea four or five cents per pound cheaper by railway than by sea. The result of this increased facility for importing would be that merchants in the western part of the country, in Manitoba and other parts, would be able to bring tea from the United States cheaper than it would be possible to bring it from Montreal. The course which the hon. gentleman proposed, however, would be discriminating against the introduction of tea from that quarter in favour of its importation by Montreal. The hon. gentleman had no right to propose that, for it was a vicious kind of legislation.

Hon. Sir FRANCIS HINCKS said there were merchants in Toronto, and he dared say there were merchants in other western cities also, who imported direct from China. They were entirely satisfied with this arrangement, and under it they could import direct from China, by way of San Francisco, free of duty, so that they could bring tea in quite as cheaply as it could be obtained from American merchants.

Hon. Mr. MACKENZIE was aware that they could import direct by rail by bonding at San Francisco; but that would involve the employment of an agent, or the opening of a branch house in that city. It was no argument for the measure that the merchants were in favour of it. The House was not legislating for the tea dealers, but for the public; and he believed that the proposition would have a more or less injurious effect.

Mr. CONNELL said the proposed arrangement would have the effect of compelling merchants in the Lower Provinces to import from England, or direct from China, instead of from the United States, as now. He did not think that would be fair. Let the United States take their own course; and he did not see why, because they did, that our merchants should be deprived of the advantage of buying in the United States, or wherever else they could buy cheapest. The principle upon which the measure was founded was wrong, and the effect of it would be to injure small dealers and throw the trade into the hands of a few.

Hon. Mr. TILLEY said it was only yesterday the Government had received a telegraphic communication from a Halifax merchant, whom he knew imported direct from China, asking whether, under this arrangement, teas imported direct from China through the United States would be admitted free of duty. That would be the case under the proposition before the House; there was no doubt of it. It was true the general effect of the arrangement would be to stimulate importations, either from England or direct from China; but importations to Canadian merchants through the United States would come in free of duty.

Mr. CONNELL said that was all very well, but the plan would nevertheless work unfairly, by throwing the business into the hands of a few individuals who were able to engage in the direct trade. He did not see why it should not be free.

Mr. FRANCIS JONES said scarcely any hon. gentleman got up to speak upon any question connected with the tariff who did not mention the subject of free trade. Now, what was free trade? He would like to know what hon. gentlemen really meant by it. Was England a free trade country, where \$350,000,000 were raised by taxes levied upon the productions of foreign countries? Why, in the country everything imported from abroad was taxed, except a few raw materials, which were necessary to carry on the manufacturing enterprises of England. Was that free trade in the meaning of hon. gentlemen who used the phrase so frequently? (Hear, hear.) Why, it was necessary for this country to raise revenue by means of duties on imports, and if these duties were not levied on tea and tobacco, and other articles, the production of foreign countries, they must be placed on articles which the people of this country produced. When gentlemen spoke of free trade he would like them to say plainly what they meant by it; what articles they

would wish to see taxed; or, if none, where the revenue was to come from. (Hear, hear.)

Mr. BOLTON said under this arrangement New York merchants might send teas to Canada, and by simply making a declaration that they were imported directly from China, get them admitted free of duty. He did not see, therefore, that the law would be effectual in securing what it professed to secure.

Hon. Mr. TILLEY could not understand how it could be held to be a direct importation if an American merchant imported to New York and then from New York to Canada. There would be no privilege of free admission in that case. It would be different if a Halifax merchant, for instance, ordered 1,000 chests of tea in China, and they were landed in New York on their way to the Dominion, they would be allowed to enter free of duty.

Mr. BOLTON did not see how it would be possible to discriminate between the two cases.

Hon. Sir FRANCIS HINCKS said it would be very simple. The invoices would show whether the shipments were made in China to a New York or a Canadian merchant.

The motion was then carried and the committee rose and reported.

Upon the question of concurrence,

Hon. Mr. HOLTON said it was useless to continue the discussion upon the subject, or to offer any amendment. He would confine himself to a verbal protest against this reactionary policy, this re-imposition of duties not required for the purposes of revenue upon a primary necessary of life. He believed that the measure would be fully understood by the country, and that any effect which might be produced by prolonged discussion would be equally caused by a simple statement of the proposition of the hon. gentleman. He (Mr. Holton) did not intend to raise any point of form against concurrence in the resolution, nor did he propose to divide the House upon it.

The resolution was then concurred in, and Sir Francis Hincks introduced a bill founded upon it.

CANADA SHIPPING COMPANY.

Hon. Mr. ABBOTT moved concurrence in the amendment made by the Senate to the bill to incorporate the Canada Shipping and Forwarding Company.—Carried.

THE INTERCOLONIAL.

Hon. Sir FRANCIS HINCKS moved concurrence in the resolution adopted in

Mr. Connell.

Committee of Supply, for granting \$5,400,000 for the Intercolonial Railway.

Hon. Mr. MACKENZIE asked for explanations respecting the Miramichi Bridge. He had been informed upon high engineering authority that the decision arrived at by the Government, namely, to continue the original plan of construction, was one which was almost certain to prove unfavorable, in other words, that if it was attempted to raise the structure upon the bed of hardpan that lay between the surface of the earth and the rock, instead of penetrating to the rock itself for a foundation, the weight which would rest upon the hardpan would be too great, and the inevitable result would be that the bridge would sink, and thus destroy the connection of the railway at that place. The statement that had been made to himself upon this point was very strong and conclusive. It was a very grave matter if the principle bridge on the road was built upon an unsuitable foundation, and he thought it was a subject in regard to which the House might legitimately call for explanations.

Mr. WALSH said the whole correspondence on the subject had been before the House for some time past. The question of the sufficiency of the stratum forming the foundation only arose with regard to the North-West branch of the river, and the bridge on the south west branch was being proceeded with according to the original plan. When the question came up it was deemed to be of sufficient importance to require the opinions of engineers not in connection with the regular staff; accordingly, Messrs. Keefer and Gzowski were called in, and though they recommended a different course of construction, they agreed with Mr. Fleming as to the sufficiency of the foundation to sustain the bridge. He was not aware that there was now any doubt on the subject.

On the further consideration of the vote for public buildings,

Hon. Mr. MACKENZIE referring to votes for custom houses, said he had previously suggested that the Government should have some defined plan about the construction of these buildings, and the places entitled to them should be designated in some way that would prevent the Government from asking votes open to the objection of being considered simply for political purposes. He then quoted the amount of revenue, Customs and Excise, collected at Three Rivers and Pictou, the places where the custom houses were to be erected, and the number of vessels entering at and clearing from each port, and maintained that there could be no excuse for the erection of buildings at those com-

paratively small ports. He then referred to the proposed custom house for Newcastle and Chatham, N. B. Those places, he believed were some five miles apart; but, as latterly the expenditure of public money had taken the Newcastle direction, he supposed that the building would be placed there instead of the more important port of Chatham. He also quoted the revenue collected at those ports, and the number of vessels entered, maintaining that there was no necessity for buildings at these places either, and he believed the adoption of such a practice would inevitably produce abuse. There was an established order in the Custom Department regulating the salaries in accordance with the revenue collected, and he advocated the adoption of such a principle to regulate the erection of custom houses. He then showed the amount of work done at the ports of Guelph and Sarnia, neither of which places had custom houses. He had intended to propose an amendment which would embody the principle he advocated, but at the present stage it would be useless to do so, and he should therefore content himself with calling the attention of the House and country to the practice introduced by the Government of erecting buildings where they were not necessary, and with no other object than the spending of a sum of public money in certain localities, either to gratify political adherents or to accomplish some political purpose. There were other items which he considered wrong, but those he had mentioned embraced the objectionable features of the matter. He considered the votes a wanton waste of money, and gross injustice to other places where such edifices might be erected, with some regard to public expenditure and with some relation to the amount of revenue collected.

The resolution was then carried.

COMMITTEE OF SUPPLY.

It was then moved to receive the report of the Committee of Supply. In the course of receiving the report.

Hon. Mr. MACKENZIE referred to the item of \$10,000 for arbitrations and awards. He said that the arbitrators had only had twelve cases before them since Confederation, and not one since February, 1870, while the cost, up to the present time, had been \$14,937.21 for salaries and expenses of the Arbitrators, and a large amount in addition had been paid by the Government in the shape of professional fees to gentlemen appointed to act as counsel. It was quite clear that the Arbitrators were totally incompetent to discharge their duties,

and that they were not professionally or technically capable of acting as Arbitrators, and the Government showed that they admitted this in entrusting the settlement of disputes to professional gentlemen outside the public service or in conjunction with the departments. Two cases had been settled by the chief engineer of the Public Works Department, and he quite approved of that course, and when it was inconvenient to entrust the whole question to an officer of departments, he believed some professional gentleman should be called in for the occasion. It might not be pleasant for the Government to announce such a decision to the arbitrators, but the House ought to announce its belief in the unsoundness of the present practice. With a view of placing his views on record, "that the resolution be not concurred in, but that it be provided that no portion of the money so voted shall be applied towards the payment of salaries to the Dominion Arbitrators, inasmuch as all arbitrators on awards respecting contracts for public works require technical and professional knowledge, and inasmuch as the Department of Public Works was obliged to commit the settlement of disputes to the arbitrament of an expert from the Department, thus absolving the arbitrators from the discharge of any duties for the past two years,

Hon. Sir J. A. MACDONALD believed the board was useful and did good service, and had done good service in protecting the revenue of the country, and at the same time doing substantial justice to contractors. In cases of dispute between the Government and individuals, there must be some mode of settlement, for there could not be a total denial of justice, and the Crown could not settle despotically what amount should be allowed and no more; and the member for Lambton would scarcely advocate such a practice as that. He believed this more particularly, because the member for West Durham pressed and forced upon the Government the insertion of the arbitration clauses of the Penitentiary Act. The experience of Canada and also of the United States had shewn the necessity of such a tribunal as this, and that necessity could not be disputed. If such matters were sent to a jury it was quite sure that their sympathies would always be enlisted on the side of the individual, for it was always the case in suits in which any large corporations were concerned. Years ago, therefore, this tribunal was formed, and it was perfectly successful, and the fact that there only had been few calls for their services was no argument against their

usefulness. Of late there had been but few public works, and consequently few references to the arbitrators; but it was most undesirable, just as large public works of every kind were being commenced, and many disputes might arise, to break up the board and leave contractors to the tender mercies of the Minister of Public Works, or send cases to be tried by a jury. Special arbitrators would be found exceedingly expensive, as was evident by the case of the construction of the Parliament buildings. The present arbitrators were only allowed a fixed salary of \$1,000 a year and their actual travelling expenses, and were liable to be sent to any part of the Dominion to examine witnesses on the spot. The gentlemen now on the board were men of strong common sense, understanding the value of evidence, good business men, and having all the elements of a jury and much more, and it would be extremely unfortunate, particularly at the present time, to break up the tribunal. It might possibly be prudent to have only one legal gentleman on the Board to arrange and organize the evidence, but not more than one.

Hon. Mr. HOLTON—And an engineer.

Hon. Sir JOHN MACDONALD did not think there need be an engineer, as the members ought to be sufficiently men of business to appreciate the evidence of experts of all kinds. It would be impossible to get a body acquainted with every branch of public interest, but a body of the present kind, moderately paid with a fixed salary, and liable to be sent to every part of the country, men of integrity, and men of business, was just the kind of tribunal wanted, and he would be very sorry to have the motion carried.

Hon. J. H. CAMERON objected that the member for Lambton suggested no remedy for the evil he complained of.

Hon. Mr. MACKENZIE said he had shown that the Government themselves passed over the arbitrators, and had for some time past entrusted all matters of arbitration to professional gentlemen. He showed that in three cases the arbitrators had reduced the amount of claims by \$203, while their own expenses amount to over \$11,000, and he believed that many appeals to arbitration arose very greatly from the desire of contractors to take advantage of the want of professional knowledge on the part of the arbitrators. In one case a claim was made for \$49,000, and, after long proceedings, the arbitrators awarded more than double the amount of the original estimate of the Government officers. He thought such cases should be submitted to professional men of

Hon. Mr. Mackenzie.

known standing, or to the Chief Engineer of the Public Works Department. He, of course, believed the arbitrators to be personally above suspicion, but he objected to the entire system as at present carried out.

Hon. J. H. CAMERON, referring to the case mentioned by Mr. Mackenzie, believed that the award was not really so large as in justice to the contractors it should have been. There could be no question of the necessity of the tribunal in question, and if the present gentlemen were not efficient, new ones could be appointed. He, however, maintained that they were every way eminently fitted for their positions; but, it should not be endeavoured, by a side wind, to place the Board on a different footing from that provided by the Statute law.

Hon. Mr. HOLTON said the gentlemen opposite had entirely misconstrued the remarks of the member for Lambton, for he did not say there should be no arbitration, but that the present system possessed the confidence neither of the country nor of the Government. He advocated a board composed, not of farmers and artisans, but entirely of professional men.

Hon. J. H. CAMERON replied, maintaining that the arbitrators were appointed by law, and that the proposition was not a proper way of disposing of the matter.

Mr. JONES [Leeds] could not agree with the suggestion that the Board should be composed of lawyers, as they were quite as liable to differ as farmers and artisans, who were quite as capable of coming to a proper decision in matters submitted to them as were lawyers.

Hon. Mr. MACKENZIE'S motion was declared lost on a division, and the item was concurred in.

Mr. CUMBERLAND desired, before passing away from the Public Works item, to express his regret that the Government had not included some vote for the construction of the Sault Ste. Marie Canal, especially considering the great liberality which had been shown with respect to other canals. It was most desirable that the canal should be constructed, and he need only refer to the report of the Canal Commissioners to show the economy and feasibility of the undertaking. Having regard to the rapid increase of the trade of Lake Superior, he hoped the Government would keep a watchful eye on the work, and would very shortly take it in hand.

Hon. Mr. LANGEVIN said that last year the Government obtained a vote for a complete survey of the canal; but it was impossible to undertake all the works at once, and the Government therefore deci-

ded to take up the most pressing works first, such as the Welland and St. Lawrence Canals; but the Sault Ste. Marie Canal would not be lost sight of.

Hon. Mr. MACKENZIE agreed as to the necessity of the work on commercial grounds, and in addition he would not suffer such a humiliation as Canada had to undergo last year for twice the amount necessary to construct the work.

On the item of mail subsidies,

Mr. BOLTON proposed a resolution making it incumbent on owners of all vessels running between ports in the Dominion, and receiving subsidies, to furnish detailed statements of all voyages of such vessels.

On the suggestion of Hon. Sir JOHN MACDONALD the resolution was allowed to stand over as a separate motion.

On the militia estimates,

Mr. FOURNIER moved that the House do not concur, but that it be resolved that nothing in the present circumstances of the Dominion justifies the expenditure of so large a sum as \$1,549,400 in the maintenance of a militia force, and that the House resolve itself into Committee of the Whole to take into consideration the propriety of largely reducing the amount.

The members were called in and the motion rejected.—Yeas, 27; nays, 75

Concurrence was taken on various items, and it being six o'clock the House rose.

AFTER RECESS.

EXPLANATION.

Hon. Mr. CHAUVEAU wished to call the attention of the House to a statement which had been made by the member for Lambton and circulated through most of the newspapers. He was not in his seat when the statement was made, or he would then have taken the opportunity of putting himself and the Government right on that very important matter. The statement was that the resolution which he moved on the New Brunswick School Bill had been placed in his hands by the Government. He wished to deny that assertion. The resolution was initiated and prepared by several other members and himself, and not by the Government.

THE RECENT ABDUCTION AT LONDON.

Hon. Mr. BLAKE asked the Government to convey to the House any information in their possession in reference to the statement contained in the press, to the effect that a person has been seized in open day, in the City of London, Ontario, and carried

to the American side; and whether communication had been had with the United States or Imperial Government in the matter.

Hon. Sir JOHN MACDONALD replied that a few days ago the Government were informed by telegraph of the arrest of the party in the manner mentioned in the newspapers, and instructions were at once given to send down the depositions, and a statement of facts and evidence. Those papers were received yesterday, and upon them a report had been prepared and submitted to Her Majesty's Minister at Washington, in order that representations in the matter might be made to the United States Government, and a similar report had been prepared for the Imperial Government.

MESSRS. BLAKE AND WOOD.

Mr. FERGUSON rose to make a personal explanation. He said that in the course of the debate he had stated, among other things, that a note had been passed across the floor of the House at Toronto from the member for West Durham to the member for South Brant, and that the hon. member for South Brant had contradicted that statement.

Hon. Mr. MACKENZIE rose to a point of order, on the ground that they had no right to discuss an action which had taken place in the Local Legislature. The hon. gentleman should have brought the matter up when the member for Brant was in his seat.

Mr. FERGUSON said the member for Brant knew that he (Mr. Ferguson) intended to bring the matter up, as he had informed that gentleman of his intention so to do. He desired now simply to say that he held the note in his hand, and it was as follows: "*You had better speak now—Edward Blake.*" He had been charged with having made an untruthful statement, but it had been his desire, and he had always endeavoured to speak the truth in any statement he had made on the floor of the House. He would hand the note to the hon. member for West Durham, and if that gentleman would say that it was not in his handwriting, he (Mr. Ferguson) would very willingly withdraw it.

Hon. Mr. BLAKE said that in the absence of the hon. member for South Brant, not on his own account, the hon. gentleman having delayed to make the statement he had just offered until the hon. member for Brant was absent, he (Mr. Blake) would perhaps be allowed to say a word or two which would be unnecessary if the hon. member for Brant were here.

Hon. Mr. Blake.

The hon. gentleman (Mr. Ferguson) was not correct in saying that when he was interrupted he was making observations in course of debate in the ordinary sense. Somebody else was speaking upon a question before the House when the member for Cardwell, after a fashion which was peculiar to him, carried on a running commentary on the debate in a very loud and disorderly tone, and in the course of that running commentary a controversy had arisen between the hon. member for South Brant, which considerably disturbed the propriety of debate, without, however, the Speaker calling the hon. gentleman to order. There was certainly some conversation between the two hon. members; but it could not be said that the hon. gentleman's remarks were observations made in the course of debate. He (Mr. Blake) did not know what the hon. member for Cardwell had said, nor had he a knowledge of the language used by the hon. member for Brant with reference to the piece of paper which the hon. gentleman had produced.

Mr. FERGUSON—Here it is if you want to see it (handing it towards Mr. Blake.)

Hon. Mr. BLAKE said he did not want to see it, inasmuch as he was quite aware of the general imputations that were made in regard to it. (Laughter.) He perfectly well recollected having written that paper. He understood that after it had passed into the possession of the hon. member for Brant, it had been torn in two, and that the pieces having been pasted together, it appeared in the rehabilitated shape in which it was now presented before the world. He (Mr. Blake) supposed that the hon. member for Brant, after receiving and reading it, had torn it, thrown it upon the floor, and that subsequently the hon. member for Cardwell or some other person had picked it up, joined the fragments together, and kept it until the opportunity presented itself for using it in this House. He (Mr. Blake) had some papers on the floor around him, which he had torn up to-day, and he trusted that the Speaker would issue instructions that they should be carefully removed and destroyed, so that the hon. member for Cardwell would not have access to them in order to make use of them to the prejudice of others. That was all he (Mr. Blake) had to say in reference to that. Now, with regard to the debate, in respect to which a controversy had arisen between the hon. member for Cardwell and the hon. member for Brant, that debate had been upon a motion of the hon. member for West Middlesex in that House, and for Lambton in this. That debate had

been going on on Friday, and during the course of the debate the hon. member for South Brant had resigned. The debate terminated late on Friday by the carrying of an address in the sense of a vote of want of confidence. On Monday following the late Government had come down with an answer to the address, which answer was deemed unsatisfactory to himself (Mr. Blake) and his friends, and they proposed on the Monday following—the hon. member for South Brant having resigned on Friday—another address to His Excellency representing the unsatisfactory character of the preceding address. In the course of the debate which followed, he (Mr. Blake) had met the hon. member for South Brant in the lobby. The hon. member had told him that certain imputations had been cast upon him in the interval between the Friday and Monday for having resigned his office in the Government, and that he intended to speak in the course of the debate in reply to those imputations. The hon. member had asked him (Mr. Blake) how long it was probable the debate would last, and he had told him that it would be late that evening before a division would be taken, and that it was even doubtful whether it would not continue till the following day. Later in the evening he (Mr. Blake) had observed signs that the debate was lagging, and that there was a probability of its coming to a close, and having erroneously informed the hon. member for South Brant that it would continue till late at night, and probably till next day, he (Mr. Blake) had committed the heinous crime of sending a line across the House to the hon. member for South Brant to correct the error, and give him an intimation that now was the time to speak if he intended to speak at all in reply to the imputation to which he had previously referred. Shortly afterwards the hon. member for South Brant had told him that he had met Mr. Sandfield Macdonald in the lobby, and that the latter had asked him not to take any notice of the imputations, and that at his instance he (Mr. Wood) had determined not to speak. That was the history of this piece of paper. (Hear, hear.)

Mr. BOWELL said he knew nothing of the piece of paper, and had no desire to interfere in the discussion in regard to it; but in justice to the member for Cardwell he felt bound to say that the hon. member for West Durham was not strictly correct with regard to what had occurred in this House between the hon. member for Cardwell and the hon. member for South Brant. The hon. member for West Dur-

ham had stated that the hon. member for Cardwell had made a running commentary on the remarks of some other hon. member who was speaking. Now the fact was that the interruption of the hon. member for South Brant had taken place while the hon. member for Cardwell was addressing the House.

Hon. Mr. HOLTON called attention to the fact that there was no question before the House, and that, therefore, the discussion was out of order.

Hon. Sir JOHN MACDONALD said the gentleman was quite in order, and there was a question of fact before the House, and it was certainly strange if the House would refuse to do justice to an hon. member, whose statement had been impugned without sufficient cause.

Mr. BOWELL desired to state distinctly that the interruption had taken place while the hon. member for Cardwell was speaking. The hon. member for West Durham had also accused the hon. member for Cardwell for having chosen a time to bring this matter up when the hon. member for South Brant was absent. Now he (Mr. Bowell) knew that the hon. member for Cardwell had, on two different occasions, given notice to the hon. member for South Brant that he intended to refer to this matter in the House, and yet the hon. member for South Brant had chosen to attend to give him an opportunity.

Hon. Mr. ANGLIN could not see what this House had to do with a matter that had occurred in another House at Toronto.

The SPEAKER stated that he had allowed the hon. member for Cardwell to make a personal explanation, but that debates upon an explanation, were not in order.

The subject then dropped.

SUPPLY.

In receiving the report of the Committee of Supply, on the item for salaries of Harbour Masters at Quebec, Gaspé and Amherst,

Hon. Mr. MACKENZIE said he saw no reason why the officers should not be placed in the same position as at other ports, where they were paid by fees. He would therefore move—"That this House is of opinion that the payment of salaries of the Harbour Masters of Quebec, Amherst, and Gaspé should be made from local sources, not from the funds of the Dominion."

Hon. Dr. TUPPER said the hon. member for Lambton had stated that these Trinity Boards had no duties to perform. The hon. gentleman was mistaken. In the large ports of Quebec and Montreal

their duties were of a very important nature.

Hon. Mr. MACKENZIE said his present motion did not deal with the Trinity Board. It referred only to Harbour Masters.

Hon. Dr. TUPPER said that the Harbour Master was a member of that Board at Quebec, if not at Montreal, and the motion would therefore affect that Board. The attention of the Government had been called a few days ago to a serious state of things existing in the Port of Quebec, from which it was seen that the office of a member of that board was no sinecure. The Board had the management of the commerce and trade of the ports and control of sailors, &c. The trades was, of course, very large at these ports, nearly the whole of the commerce of Ontario going through them. The constitution of these Boards had engaged the attention of the Government, and the expenses at Quebec had been reduced by about fifty per cent. He considered the ports of Montreal and Quebec and the Trinity Boards at those places were not analogous to any other in the Dominion, as the great bulk of the commerce of Canada proper has to come through those ports. Every one knew that the charges connected with shipping at Montreal were very onerous, and much felt by the shipping interest. The effect of the resolution would be to levy the additional tax on everything that came to those ports.

Mr. WORKMAN said that the salary of the harbour master, \$1,600, would only amount to 10 cents on each ship.

Hon. Sir JOHN MACDONALD contended that it was necessary that the harbour master should be a Government officer. The water police there were under that officer's management, and the Government had recently been attacked for not increasing that force.

Mr. ANGLIN saw no reason why an exception should not be made at Quebec. At Halifax and St. John, the harbour master was paid by fees, and the shipping trade at those ports was just as important as at any other.

Mr. SCATCHERD contended that the police force at Quebec should be supported by the local authorities, as their duties were purely of a local nature.

The amendment was put and lost on a division—Yeas, 42; nays, 66.

On the item of \$4,000 for salaries, &c., of Indian Commissioners for the North-west,

Hon. Mr. MACKENZIE asked for the details of this, the Finance Minister having promised to furnish them.

Hon. Dr. Tupper.

Hon. Sir FRANCIS HINCKS did not remember having made such a promise. The amount was so small that he really did not think it necessary to furnish details.

Hon. Mr. MACKENZIE thought it very strange if they could not know for instance the salary of the Commissioner.

Hon. Sir FRANCIS HINCKS—The salary is \$2,000.

The item was concurred in.

On the item of \$20,000 for expenses connected with Indians in British Columbia,

Hon. Mr. MACKENZIE asked what was to be done with this money. He did not see why the Indians required protection.

Hon. Sir JOHN MACDONALD, owing to the absence of the Minister charged with this matter, said an explanation could not be given just now. He believed it was to carry out an arrangement entered into with the Indians by the Local Government of British Columbia.

The item was concurred in.

On the item of \$50,000 for cost connected with surveys of the boundary line between Canada and the United States in the North West,

Hon. Mr. MACKENZIE asked what was the position of this matter.

Hon. Sir JOHN MACDONALD said that arrangements had been made with the Government of the United States more than a year ago, but the matter had been delayed from some mistake in voting the amount in Congress. The matter had since however, been rectified, and correspondence was going on as to the formation of the Commission.

Hon. Mr. MACKENZIE had seen it stated that the American Government were assuming their view of the boundary, and directing their surveys accordingly.

Hon. Sir JOHN MACDONALD said the line had been taken merely as a matter of convenience. It would be subject to the report of the Commission.

On the item for contingencies, &c., Welland Canal,

Hon. Mr. MACKENZIE quoted from a newspaper to the effect that the contract for the supply of timber on the canal had been given to one John Macdonald, of Thorold, whose tender was much higher than those of others. He asked if there was any truth in this statement.

Hon. Mr. LANGEVIN said the hon. gentleman should have given him notice of his question, as from the numerous works connected with his department, he could not remember every item. He would say, however, that the whole transaction would be found to be perfectly clear, and that

the first tender had been accepted. He would give further information to-morrow.

Mr. STREET said the paper quoted by the member for Lambton had accused him (Mr. Street) of using his influence in connection with this contract, and he would take this occasion to deny publicly that there was any truth in the accusation.

The item was concurred in.

On the item of \$17,000, balance on Nova Scotia buildings,

Hon. Mr. MACKENZIE asked whether this was intended to cover interest upon the sum, and whether it was the intention to allow to Nova Scotia the sum withheld on account of interest due on those buildings.

Hon. Sir FRANCIS HINCKS said the amount proposed was exactly the award of the arbitrators. The arbitrators had not awarded that the amount that had been withheld should be repaid, and the Government did not intend to repay it.

The item was passed.

On the item of \$20,000 additional for working expenses on the European and North American Railway, in reply to Mr. Anglin,

Hon. Mr. LANGEVIN said that this was on account of the very severe winter.

Item concurred in.

On the item for archives, in reply to Mr. Mackenzie,

Hon. Mr. POPE explained that this had been put in at the suggestion of the committee, which had met here last year. It was for the purpose of providing for the protection of old historical documents, which it was important should be preserved.

The item was concurred in.

On the item of \$10,000 improvements to Kingston harbour,

Mr. ANGLIN asked if an estimate had been made, and how the money was proposed to be expended.

Hon. Mr. MACKENZIE asked if the local authorities were to expend an equal sum as was the case at Collingwood,

Hon. Mr. LANGEVIN explained that at Collingwood the Northern Railway Company expended an equal sum to that expended by the Government, but Kingston harbour was regarded as a part of the canal system, in consequence of vessels passing through the canals being transhipped at that port.

On the item of \$20,000, towards the enlargement of Carrillon and Chute a Blondeau canals, with dams and slides for the passage of lumber,

Hon. Mr. MACKENZIE asked for some explanation of this item, in reply to which

Mr. CURRIER reviewed the Ottawa

canal system and the object of the proposed expenditure.

Hon. Mr. MACKENZIE said it would appear that the Government were in the habit of imparting information to some members which they withheld from others, and asked if they were to accept the statement of the hon. gentleman as correct.

Hon. Mr. LANGEVIN replied that the member for Ottawa had been one of a deputation which waited on the Government in reference to the improvement of the navigation of the Ottawa River, and he had no doubt his hon. friend had correctly stated the circumstances, but he had not been able to hear his remarks. He would state, however, that the proposed work had been recommended by the Engineer of the Department of Public Works some years previously, and it had been urged that that work should be carried out instead of enlarging the Chute a Blondeau and Carrillon Canals. If a dam and lock were built, the Carrillon and Chute a Blondeau rapids would be flooded and the present Carrillon and Chute a Blondeau canals would not be used; but the locks in the new works on the Ontario side would be used by the steamboats and other craft on the Ottawa, and the slide at that place would be used for the cribs, which would benefit and be more satisfactory to both the navigation and lumber interests, at the same time reducing the present expenditure, and doing away with a large annual cost to keep the canals in repair.

Mr. ALONZO WRIGHT had been one of a deputation to the Government, and considered that the work was regarded as a link in the great chain of Ottawa navigation, which had been favoured by both sides of the House, and he thought the item should be allowed to pass without further discussion.

Hon. Mr. MACKENZIE asked if the Government had decided upon a policy as to the depth of canal navigation?

Hon. Mr. LANGEVIN replied that they had adopted the recommendation of the Canal Commissioners in regard to the canals of the Ottawa, viz., to have the locks 200 feet by 45 feet. Beyond that the Government had decided nothing. Some persons had made the remark that a depth of nine feet was too great; but the Government had decided that at all events between Ottawa and Montreal, that should be the depth of the locks.

Mr. SHANLY said the construction of a lock built for Granville this year would, of course, guide the navigation of the Ottawa, and he entirely differed from the Canal Commissioners in the nine foot navigation.

It would lose but little more to make it one foot deeper, and judging from the low water of past years, he thought the Government should take warning and make all locks ten feet on the sills, no matter what the depth of the canals might be. He considered the vote asked a very small one in view of the large works undertaken, and he would like to see a sum voted annually for the next few years, until navigation from Ottawa to Montreal was completed. The vote asked would carry out the greatest possible improvement. The work contemplated would have about twenty-six feet of locking, as compared with the present system, and although he had previously opposed the construction of dams to improve navigation, he believed that in this case the dam could be built with the greatest success. He would again urge that, if the Grenville Canal locks were to be nine feet, the sills of all other locks to be constructed should be absolutely ten feet below the level of the Ottawa.

On the item of \$5,000 for damages arising out of the construction of the dam at the head of Beauharnois Canal.

Hon. Mr. MACKENZIE said it seemed as if these damages would never cease, and asked what the damages were. It would be better to buy the land altogether.

Mr. LANGEVIN said the damages had to be paid for, but in the proposed enlargements of canals, care would be taken that in future the deeds taken should cover all damages.

Hon. Mr. MACKENZIE repeated his enquiry what the damages were, and whether they had not been paid for already?

Hon. Mr. LANGEVIN said they had not.

Mr. MASSON (Soulanges,) maintained the just nature of the claims for the damages.

Mr. CAYLEY spoke in French.

The item was concurred in.

Mr. McCONKEY regretted that the Government had taken no action in the matter of the Georgian Bay Canal.

Hon. Sir FRANCIS HINCKS objected that he was out of order.

Mr. McCONKEY, in order to obtain an opportunity of speaking on the subject, moved an amendment. He then went into the steps that had been taken in the matter, and repeated his regret that the Government had taken no notice of such a great national undertaking. He moved that the report be not now concurred in, but that provision be made for subsidizing by money or land the Georgian Bay Canal.

Hon. Sir J. A. MACDONALD said the hon. member had no doubt attained his object, and it would no doubt be the pain-

ful duty of the Speaker to rule the amendment out of order.

The motion was ruled out of order.

Mr. FERGUSON said when the vote was first asked he was glad to find the prosperity of the country so great as had been shown by the remarks of the Minister of Public Works. He congratulated the Minister of Finance on the position of the country, and was very glad to find that promises made at Confederation were about to be completed. The Intercolonial was far advanced at a less expenditure than had been mentioned; the Inter-Oceanic Railway was to be undertaken, and now the most important matter of all, the enlargement of the canals, was to be commenced. The present canal system had occasioned an outlay of some twenty million dollars, and the returns had been very large, and consequently any future expenditure should be undertaken with care. He referred to the Bay Verte canal as likely to cause a very large expenditure, and suggested whether the Local Government of New Brunswick should not be called upon to contribute to the expenses by land grants. As to the Pacific railway he believed it could be constructed for the grant made; but thought that in this, as in other public works, it would be better to make larger land grants and not grant so much money. He regretted the opposition evidenced in the House to the Georgian Bay Canal. Some years ago that project was recommended by a Committee of the House, obtained by the member for Simcoe; and again in 1869, by a Committee obtained by the member for West Toronto, and the names of the members of that committee, which he read out, would show that the matter ought not to be dealt with slightly. The report stated that the difference effected by the canal between the Upper Lakes and Liverpool would be 800 miles, and pointed out many advantages to be gained by the construction of the canal. He quoted from the report at length to show that the President of the Council had strongly supported the scheme, and he (Mr. Ferguson) advocated the project in a forcible and elaborate speech.

Mr. LITTLE followed, saying that the people of his county were united on the matter, and trusted the Government would give it their favorable consideration.

Concurrence was then taken in the report of the Committee of Supply.

Hon. Sir FRANCIS HINCKS moved the House into Committee of Ways and Means, and a resolution granting supplies to Her Majesty was adopted and concurred in, and the bill was then introduced and read a first time.

Mr. Shanly.

THE PACIFIC RAILWAY.

The Pacific Railway bill was received from the Senate with the amendments, which were passed.

TONNAGE DUES.

Hon. Sir FRANCIS HINCKS moved the second reading of the Act to raise tonnage dues and wharfage rates for improvements in the navigation of the river St. Lawrence, between Montreal and Quebec. Carried.

The bill passed the Committee, was read a third time, and passed.

JUDGES' SALARIES.

Mr. BODWELL moved the second reading of the bill respecting Judges' salaries. Carried. The bill was passed through committee, read a third time and passed.

Hon. Sir JOHN A. MACDONALD moved the second reading of the Act to amend the Act relating to Judges travelling allowances to the whole Dominion. Carried. The bill was passed through committee, read a third time and passed.

COPYRIGHT.

Hon. Sir FRANCIS HINCKS moved the House into committee on the Act to amend the Act respecting copyrights.

The bill was reported with amendments, which was read a first and second time.

RAILWAY MAP.

Hon. Sir GEORGE CARTIER moved the adoption of the report of the railway committee, recommending an appropriation to complete a map for the railway committee-room, and that the same be paid out of the contingencies of the House.—Carried.

TRADES' UNIONS.

Hon. Sir JOHN A. MACDONALD moved the second reading of the Act respecting Trades' Unions.

Mr. MASSON (Terrebonne) regretted that this important bill should have been delayed till this late hour of the session. He hoped the House would unite in appealing to the Government to withdraw it.

Hon. Sir J. A. MACDONALD said there was nothing in the bill which could do injustice to either employers or employees. Its object was to repeal a harsh Act, under which mechanics could be indicted for every association they might form. The amendment had been adopted in the British Parliament without a dissenting voice, because it was felt that the old law was too oppressive to be endorsed by free men. Recent events in Toronto had shown the

necessity of adopting some amendment here.

Hon. Mr. MACKENZIE said he saw no reason for the objections urged by the member for Terrebonne. He (Mr. Mackenzie) had only one objection to it, that it placed restrictions on workmen, requiring them to register their Unions. He could not see the necessity for that clause.

After further discussion the motion for the second reading was carried on a division. The bill was passed through Committee of the Whole. On motion for third reading,

Hon. Mr. MACKENZIE suggested that the clause relating to the representation of Trades' Unions was beyond the jurisdiction of this House. It was a matter for the Local Legislature and not for this Parliament to deal with.

Mr. MASSON (Terrebonne) renewed his request that the bill be withdrawn for this session.

Hon. Sir JOHN MACDONALD said it could not be done without injury to the Dominion, for if workmen should learn that the old law remained unchanged, they would not come to settle in Canada.

After further discussion the bill was read a third time and passed.

THE CRIMINAL LAW.

The Act to amend the Criminal Law relating to violence, threats, and molestation, was read a second time and passed.

The House adjourned at 12:45 a. m.

SENATE.

WEDNESDAY, 12th June, 1872.

The SPEAKER took the chair at three o'clock.

INCORPORATION BILLS.

The following bills were read a third time and passed:—Gananoque Navigation Company; Imperial Guarantee Loan Society; Quebec Pacific Railway Company; Ontario and Erie Ship Canal Company; Western Assurance Company; Inter-oceanic Railroad Company; Thunder Bay Silver Mines Company; Queenstown Suspension Bridge Company; Sault Ste. Marie Railway and Bridge Company; Canada Pacific Railroad Company; Canada Central Railroad Company; Pacific Junction Bridge Company; New York Bridge and Tunnel Company.

SALARIES.

Hon. Mr. FERRIER called attention to

the fact that a resolution had been passed in the other branch with reference to the emoluments of officers thereof. He would therefore propose a similar resolution for adoption by the House.

Hon. Mr. CAMPBELL replied that the other branch having taken this position, he was quite ready to accede to the resolution.

The motion was passed, a number of bills were passed, and the House adjourned.

HOUSE OF COMMONS.

OTTAWA, June 12.

The SPEAKER took the chair at three o'clock.

SPEAKERS' DECISIONS.

After routine.

Mr. BLANCHET moved that the Speaker and the Committee for the internal economy of the House be authorized to print the precedents and decisions of the Speakers from the Union of the two Canadas 1841 to date. He hoped no objection would be made, as it was important that these should be published.

Hon. Mr. MACKENZIE thought this should have been referred to the Library Committee, and on their report the matter should then have come up.

The motion was carried.

MISCELLANEOUS.

Mr. BARTHE moved for a return of the claims of Messrs. H. & A. Lemont for certain lands in Sorel. Carried.

Mr. WHITE (East Hastings) moved resolutions on the subject of lands lying within the Indian reserves in the township of Tyndega, in Hastings. It proposed to sell a certain portion of these lands, by which the Indians would be largely benefited.

Hon. Sir JOHN MACDONALD did not see how the resolution could pass. The land was the property of the Indians and could not be sold without their sanction. Surely the territory of the Dominion was large enough to spare part to the tribes. He was not surprised that the lands were occasionally coveted, but the Indians should be treated as favoured children. If the lands must be valued, that would be done by the Indian Department and he had no doubt they kept trace of that.

Hon. Mr. MACKENZIE said there might be reason for feeling dissatisfied at the presence of large bodies of Indians near

towns. Wherever these were, however, they must be treated fairly and their rights respected.

Hon. Mr. HOLTON agreed with the Minister of Justice, but the question arose if the Indians should not be emancipated and their lands divided among heads of families so as to come under the national law of property. In some cases this, he knew, might be done without inconvenience, but properly each case should come up by itself.

Mr. STEWART CAMPBELL called attention to the official name of the Indians translated into French *sauvages*, which was offensive to them.

Mr. BOWELL explained the object of the resolution to be to enable a portion of the land had on lease by whites to be sold, and the proceeds devoted to their benefit. There were eight hundred acres in this position out of eighteen thousand, and the land was constantly deteriorating in value.

After further discussion the resolutions were withdrawn, Hon. Sir John Macdonald promising that the attention of the Indian Department would be called to the subject.

Mr. BROUSSEAU moved the adoption of the reports of the Printing Committee, recommending the printing of certain reports, and the report of the audit of the year's account. Carried.

Mr. MACDOUGALL (Lanark) said, at the beginning of this Parliament, owing to a fit of economy, twelve and a-half per cent. was deducted from the salaries of all officers of the House. He believed that the House had gone too far in that direction, as the salaries were not excessive. In the Civil Service Act progressive salaries were authorized, but the officers of this House did not come within that Act, and had no chance of a raise. He thought that if injustice had been done, it should be rectified. He moved "that all officers of this House whose salaries had been reduced, should have an annual increase to their salaries from the date of such reduction, at the same rate as those in the Civil Service of equal rank." The House had recognized the injustice that had been done, and one or two motions had been made to remedy it in exceptional cases. There was an officer who occupied a seat at the table in this House who had been forty years in the public service, and who actually received less salary than he had fourteen years ago. He did not believe that the members of this House could plume themselves with having cut off twelve and a-half per cent. from the salaries of officers. The people at large rather desire a reduction of useless offices,

Hon. Mr. Ferrier.

if there were such, than the paring down of the salaries of efficient men.

Hon. Mr. HOLTON seconded the motion.

Mr. CAMERON had no doubt whatever that if a large number of the officers engaged in the work of the House were removed, it would be difficult to replace them, and in any other position they would be paid larger salaries than here. The whole of the expenditure saved by the reduction of twelve and a-half per cent. was only \$6,000 a year. He also referred to the anomaly of messengers of this House who received \$2 a day or about \$120 whilst messengers of the Senate received \$200, although their duties were not nearly so onerous.

Mr. CHAUVÉAU quite agreed in the motion of the hon. member for Lanark. He had disapproved of the reduction of salaries when it was made, and would rejoice at this change for the better. The hon. member for Lanark had spoken of the claims of an officer who was at the table. He (Mr. Chauveau) also saw at the table an officer who had for many years sat at the clerk's table, and who for many years had performed the difficult task of French translator.

Mr. McDONALD (Lunenburg), thought that the pay of the sessional clerks should be increased. The pay now, he thought, was quite insufficient to compensate these officers for their services. An officer thus employed could not engage in any other pursuit. He urged that a bonus should be given which should represent the amount which had been taken from them during the few years.

Hon. Sir JOHN MACDONALD reminded the House that the question of salaries had been referred to a Committee of the House in the first Session of this Parliament. The Committee had reported in favour of a reduction of 12½ per cent., and the House had adopted the report. It would not look well in the country on the last day of the last Session to make their last vote reverse an Act of the same Parliament. It would be remembered that this report recommending a reduction of 12½ per cent. was carried at the instance of the Government to prevent a still greater reduction being made. He did not think that they should at the present time, with their power leaving their hands, pass a motion which would, in fact, involve the reversal of the policy adopted by the Committee and the House, at it proposed the payment to the officers of the amount which had been taken from them, and would involve a very large sum of money. He would have been well con-

tented had this reduction not been made; but as the matter was, he did not think it would look well if such an increase were made as now proposed. If the hon. gentleman thought fit, he might refer the internal economy committee to consider during recess. That many of the officers were worthy of all consideration, he knew; and the attention of the committee might be called to their case, and they might be requested to deal with their salaries for the present year. It might be understood that the internal economy commissioners could increase the salaries to the extent of twelve and a-half per cent. for the next year, save in some exceptional cases when it might not be deserved, and leave to a new Parliament to adjust the whole system. He quite agreed with the hon. gentleman who had just spoken. He had seconded the motion, as he approved of the spirit of it, but he did not quite catch the sense of it as carrying them back over the five years. He did not think that would be proper. He thought it inconsistent with parliamentary practice to pass an act having a retractive effect; and they must, he thought, confine themselves to the present and future.

Hon. Mr. MACDOUGALL said that the leader of the Government having indicated another mode of dealing with this matter, he would consent to it. His motion he thought had not gone so far as was stated. It merely asked to apply the provisions of the Civil Service Act to these salaries as regarded increase, and to put the officers of the House on the same footing as those in the Departments.

Hon. Mr. MACKENZIE said that at the time that the report referred to was adopted, he had thought that it was unjust to make an indiscriminate reduction in salaries, and he thought that it would be equally wrong now to make an increase. He thought that there were many officers who deserved increases indeed he had spoken to several of the officials who would have got better salaries had they gone into other services. They, however, disliked to leave, as they preferred the service, and hoped that before long justice might be done them. He would suggest the following motion:—"That in the opinion of this House it is expedient that such of the officers and clerks of the House as the Committee of Internal Economy may consider to deserve it, should have such an addition to their salaries as would compensate them for their services for the current year."

Hon. Sir JOHN MACDONALD had no objection to the motion, which having been amended in two unimportant parti-

culars, was put to the vote and carried—Yeas, 53; nays, 21.

Hon. Mr. CHAUVEAU moved to remit the fee of J. E. Archer for a private bill. Carried

JUDGE JOHNSON

Dr. SCHULTZ remarked that the instructions submitted to Judge Johnson in regard to the Manitoba claims, did not include the claims of one class of people who were entitled to the consideration of the Government. He would move, therefore, "That an humble address be presented to His Excellency the Governor General, that certain claims of sufferers by the Red River insurrection, which were not within the scope of the instructions given to Judge Johnson, be taken into consideration with a view to their compensation." He contended that Judge Johnson's instructions only covered claims for compensation for losses of property and imprisonment, and that there were many other legitimate claims outside of these. The prisoners had nearly all of them lost a year's time, with damage to their respective occupations, and some had suffered serious damage by continued illness. Then there were the legitimate claims of the half-breed population for various losses arising out of the rebellion. He wished to press the matter on the attention of the Government.

Hon. Sir JOHN MACDONALD said that the motion of the hon. gentleman was somewhat out of order, but taking it on its merits he thought it would be unwise to press it any further just now. Since it was brought before the notice of the Government, they would, as a matter of course, look into the matter, and if it was found that any just claims had been overlooked, the Government would be bound to enquire into them. He thought the hon. gentleman should be satisfied with this answer, and with the fact that he had brought the matter before the attention of the House, and would withdraw his motion.

Dr. SCHULTZ replied that on this assurance from the Hon. Minister of Justice, he would withdraw the motion.

RETURNS.

Hon. Dr. TUPPER presented the report of the Superintendent General of Indian Affairs; also a return on the subject of meteorological observations.

Hon. Mr. LANGEVIN presented a return on the subject of divisions C. D. & E. of the Pacific Railway Survey.

Hon. Sir J. A. Macdonald.

AGRICULTURAL COMMITTEE.

Mr. MUNROE, before the orders of the day were called, would ask the Chairman of the Committee on Agriculture whether they intend to make a report? He considered it of very great importance to the agricultural interests of the country that such a report should be presented. His conviction was very strong that the farming interests should be protected. They were deserving of such protection, and he hoped that all the information which had been gathered on the subject would be brought before the House.

Hon. Mr. MACKENZIE objected to the matter being debated by the hon. gentleman. He had asked a question and should confine himself simply to that.

Mr. JONES (Leeds and Grenville), as Chairman of the Committee, explained that they had been unable to report, because answers to their questions had only been received within the last day or two, and it was now found impossible to get a quorum of the Committee.

CRIMINAL APPEAL.

Mr. HARRISON moved the second reading of the bill to extend the right of appeal in criminal cases. He urged that legislation was very much required on this subject, and thought that there should be an appeal in criminal as in civil cases. He quoted several instances of injustice which had occurred under the existing law, but would not press the bill.

The order was discharged.

STOLEN GOODS ADVERTISEMENTS.

Mr. HARRISON, on the adjourned debate on the motion for the second reading of the bill to amend the law relating to advertisements respecting stolen goods, said the objection to the bill, he understood, was that no particular case had been alleged showing the necessity for the proposed change in the law. It was in consequence of an actual case he had been induced to bring forward the bill. He referred to a case where two newspapers in Toronto had been served with a warrant under the existing law, and where it was found that the whole thing was a fraud, and was got up for the purpose of levying blackmail. Objection had also been taken to the use of the name of the Attorney General, as provided in the bill, and if it was allowed to go into Committee of the Whole he would strike out that portion. He would also provide that action should be commenced within six months.

Hon. Sir JOHN MACDONALD would have no objection to the bill with the proposed alterations.

The bill was read a second time, adopted in Committee, and read a third time and passed.

OFFENCES AGAINST THE PERSON.

Mr. HARRISON moved the second reading of the bill to amend the Act respecting offences against the person. He explained that the object of the bill was to give a discretionary power to the Judge in pronouncing sentence for the crime of rape. It was well known that the death penalty was never carried out, and it seemed to him to be a solemn farce for a Judge to pronounce the sentence of death, the most solemn of all sentences, when he felt that it would not be carried into effect. The consequence of the death penalty was that advocates often made use of it in order to secure the acquittal of persons who ought to be convicted and punished. He contended that a discretionary power should be vested in the Judges to pronounce the death penalty if necessary, or a sentence of imprisonment, as circumstances might require.

Mr. CAMERON (Peel) said that the matter was one of great importance, and required grave consideration. At this late stage of the session it would not be properly discussed, and he would, therefore, suggest that the bill be allowed to stand over.

Col. GRAY approved of the bill but thought it should go a little further and provide that the sentence for the crime of rape should not necessarily be imprisonment for life, but that, according to circumstances, imprisonment for a term of years might be inflicted. This had been found to work well in New Brunswick.

Hon. Mr. MACKENZIE agreed with the hon. member for Peel that it would be impossible to have a fair discussion at this late stage of the session.

Hon. Sir JOHN MACDONALD was in favour of the principle of the bill, but thought that it would be unwise to do away with the death penalty altogether. In most cases the sentence was commuted. Still, under the peculiar circumstances of the country, the exposed position of a great part of it and the long frontier, offered opportunities to men of bad character to cross and recross, and in order to afford additional protection to women, it would be well that the death penalty should not be altogether abolished. As, however, the opinion of the House was altogether in favour of the postponement of the bill, he would suggest its withdrawal.

Mr. HARRISON concurred, and the order was discharged.

INSOLVENT ACT.

Mr. HARRISON, on the motion for the second reading of the bill to amend the Insolvent Act of 1869, said that as such a strong objection had already been taken to that law by the House, he would remark that the amendments he proposed would meet many of the objections which had been urged against the Act of 1869.

The bill was withdrawn.

BILLS PASSED.

The following bills were read a third time and passed:—An Act to extend the tariff of duties of customs and excise, and certain enactments relating thereto to British Columbia; An Act to extend the Act 33 Vic., cap. 20, to the port of Collingwood; An Act to extend certain Acts relating to matters connected with navigation to the Province of British Columbia.

PROROGATION.

Hon. Sir JOHN MACDONALD announced that the prorogation would not take place until Friday.

It being six o'clock the House rose.

AFTER RECESS.

ELECTION ACT.

Hon. Sir JOHN MACDONALD moved the reading of the bill to amend the Interim Parliamentary Election Act of 1871.

Hon. Mr. MACKENZIE said that at the last general election the municipalities did not make the required subdivisions and polling places in accordance with the law, and great inconvenience had resulted in consequence. No provision had been made for the payment of the expenses of the returning officer.

Mr. CAMERON (Peel) agreed with his hon. friend as to the difficulties which arose from sub-divisions not having been laid out at the last general election, but that had been done at recent provincial elections, and these sub-divisions would still remain, and when reorganized by the present bill the difficulty would be met.

Hon. Sir JOHN MACDONALD then explained the object of every clause of the bill, after which the House went into Committee, amended the bill and rose and reported. On motion for concurrence in the amendments, Mr. Chauveau moved "that householders of houses of the annual value of \$20, in the Indian village of Lorette, shall be allowed to vote at the poll or one of the polls in the parish of St. Ambroise, as they were allowed previous to the provision made for municipal lists, provided

the list of such householders over twenty-one years of age, shall be made and sworn to before a Justice of the Peace by two of the chiefs of the said village, and delivered to the Registrar of the said county previous to the issue of the writ, so that the Indians of the village of Lorette who had from time immemorial been allowed to vote up the time of the forming of municipal lists, shall not be excluded." He said they had a good school, were all educated and were a people of most decent character and had a good right to vote on their property.

Hon. Mr. MACKENZIE said the member for Quebec had proposed to make an exception of the tribe in his county. If there was to be change made it should be of a general character, and he appealed to the Minister of Justice not to suffer the partial enfranchisement of Indians. The motion must have been moved for some particular reason.

Hon. Mr. CHAUVEAU replied, stating that he had no object in the matter beyond a desire to restore to these Indians a franchise which they had always enjoyed up to the time of the law providing for municipal lists.

Hon. Mr. MACKENZIE said they had not voted since he had been in Parliament.

Hon. Mr. CHAUVEAU said that he (Mr. Chauveau) had been elected by acclamation six times, and therefore the point had not been raised.

Hon. Mr. MACKENZIE How has it been raised now?

Hon. Mr. CHAUVEAU—Because at the last Local Election it had been found that they had no right to vote, not being on the municipal list. He did not advocate this from personal motives, as the Indian vote only amounted to from thirty to forty whereas his majority when opposed in his contest was over 1,600. The Indians had the privilege of voting when they were far below their present status, and they felt it a great hardship to be deprived of that privilege now.

Mr. BOWN said if amendments were adopted, he should follow with a motion for the enfranchisement of the Indians of Tyendinaga. He could also argue that they were intelligent, and many of them lived as well as white people. There were other municipalities in the Province of Quebec which did not vote in consequence of not having taken advantage of the municipal law, and if the Indians did not choose to take advantage of it he could see no reason why they should be enfranchised. It would be exclusive legislation in favour of one tribe if the amendment were carried.

Mr. WORKMAN would like to have the

Indians of Caughnawaga included if the present motion were adopted.

Hon. Mr. MACKENZIE hoped the Minister of Justice would express the policy of the Government in the matter.

Hon. Sir JOHN MACDONALD said that he would be very glad, indeed, to meet the motion of his friend for Quebec, as far as he could. As a matter of necessity, if these thirty four Indians were allowed to have an assessment list, all other Indians similarly situated must have the same right. The question was, were we prepared to allow Indians all over the Dominion to vote. It occurred to him that his hon. friend had done his duty towards the Indians in his county. He had pressed the claims with great zeal, and he thought his hon. friend must submit that these thirty-four Indians should not be accorded privileges which were denied to others. It would be soothing the feelings of thirty-four and wounding those of 3,400. His hon. friend would see that the consequence of his motion would be that every Indian throughout the Dominion being a householder of the value of twenty dollars per annum, must also have a vote, and he (Sir John) did not think that the Government was prepared to go so far.

Hon. Mr. CHAUVEAU said he would be prepared to restore franchise to Indians wherever it had existed before the operation of the municipal law.

A division was then taken on Mr. Chauveau's amendment with the following result,—yeas, 23; nays, 38.

The amendments made in Committee of the Whole were then concurred in.

PUBLIC LANDS.

Hon. Sir JOHN A. MACDONALD moved the House into Committee on the bill respecting the public lands of the Dominion.

The House went into Committee, Mr. Nathan in the chair, rose, reported the bill with amendments, which were concurred in.

TEA AND COFFEE.

Hon. Sir FRANCIS HINCKS moved the second reading of the bill to allow the Governor-General in council to impose a duty on tea and coffee imported from the United States, in case therein mentioned. Carried. The House went into Committee, rose and reported, and the bill was read a third time and passed.

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Hon. Sir FRANCIS HINCKS moved concurrence with unimportant amendments made by the Senate to the Copyright bill. Carried.

Hon. Sir J. A. Macdonald.

CONCURRENCE.

Hon. Sir GEO. E. CARTIER moved concurrence in the amendments to the Quebec Pacific Railway bill. Carried.

The amendments to the Imperial Guarantee bill were also concurred in.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved the second reading of the Supply bill.

Hon. Mr. MACKENZIE—I should like to know what there is in this bill; I have never seen it. (Laughter.)

Hon. Sir FRANCIS HINCKS said the bill was a very little one. He would explain to the hon. member about the Commissioners. There had been no mistake, as he (Sir Francis) had stated last night. It had been found absolutely necessary to send Mr. Simpson, the commissioner, to negotiate treaties with the Indians on the Saskatchewan, some hundreds of miles from Fort Garry, and he would consequently be absent from Fort Garry almost altogether. As this point was constantly visited by bands of Indians, it was found necessary to have a branch of the Indian Department there. The item was for the salary of the agent, \$1,000, and the expenses of the office. With respect to the item of \$20,000 for British Columbia, pointing out the necessity for making provision for the Indians there. The amount asked for was given in detail; but inasmuch as the amount asked for includes items which the Government were not prepared to admit in principle, the Government thought it better to bring down a lump sum of \$20,000, which was considerably less than the sum asked for.

WELLAND CANAL CONTRACT.

Hon. Mr. LANGEVIN said the hon. member for Lambton had last night brought before the House a statement in a Roman Catholic newspaper, to the effect that a contract for the supply of timber on the Welland Canal had been given to one John Macdonald, whose tender was not the lowest. The hon. gentleman then quoted from the report of the engineer on these tenders, from which it appeared that although the tender of the Messrs. Phelps was the lowest, it was accompanied with conditions as to time of delivery of the article, and as to prices, and was not in accordance with the specifications, and he advised that Mr. Macdonald's tender should be taken. It would therefore appear that no preference had been shown to any one in this matter, as the law and the customs of the Department had been strictly carried out. As the name of the

member for Welland had been used by the same newspaper, he (Mr. Langevin) would take this occasion to deny that that gentleman had anything to do with the matter either directly or indirectly.

Mr. MACKENZIE said that the statements in the paper proved to be substantially correct, the only difference being the condition asked as to the length of time to be given and the prices under certain circumstances. He contended that the Government should have told the parties that their tender must be unconditional, and if they had concurred, their tender should have been accepted.

Mr. STREET said that as he had been referred to by the newspaper, and as such statements were calculated to be a serious injury if not contradicted, he was glad that this explanation had been made. He denied that he had anything whatever to do with the matter, and thought it had been clearly shown that no corruption had taken place.

Hon. Sir JOHN MACDONALD said the article in the newspaper was couched in most unfair and unfriendly language, insinuating improper conduct. The statement of Mr. Munroe, the responsible engineer, disproved anything of this kind. It showed that the engineer recommended the correct course, the only course which could be taken by the department in any case. When tenders were put in they should be put in in accordance with the terms and conditions of the call for tenders, and the contractors understood what this meant. It meant that if they were not made in accordance with these terms, they were altogether void. It was a trick of contractors to insert a small variation so as to make it possible to open negotiations, and one could see that if the department did not rigidly carry out a system of looking at the tenders, and tenders only, and seeing whether they were regular, the door would be open to all kinds of favoritism.

Mr. MACKENZIE said it would be quite apparent that the statement he had alluded to was correct. A list of prices had now been published and people could form their own conclusions from it. As to making any charge of corruption, he had never thought of anything of the kind.

Hon. Mr. McDUGALL (Lanark) thought that the hon. member for Lambton hardly gave credit to the department for the very clear explanation that had been made. He (Mr. Macdougall) would be glad if every case that came up in Parliament might be as clearly explained as this one had been. The engineer's statement was a proper statement to make, and the con-

tract accepted was the proper contract to accept. He thought that so full an explanation having been made, the hon. member for Lambton, who was himself a public officer, should have been ready to say whether the explanation was sufficient or not. He (Mr. Macdougall) thought that from the way the matter had been put, it would be used as an argument elsewhere.

The bill was then read a second time, and ordered for a third reading to-morrow.

The House adjourned at ten p m.

SENATE.

THURSDAY, June 13, 1872.

The Senate has been engaged in receiving bills and passing them through their various stages, a bare quorum being present.

SUPPLY.

The second reading of the Supply Bill was moved.

Senator REESOR called attention to the contract made in 1869 between the Canadian Government and the Messrs. Allan for the carriage of the mails, and which the Government had power to recall by giving twelve months notice.

Senator CAMPBELL replied that the Messrs. Allan had performed the service in the most efficient manner, and their line for despatch and safety was not excelled by any other sailing on the Atlantic. The Government had, however, given notice on the 31st March last of their intention to terminate the contract on the 1st April, 1873. They had done so in view of the completion of the Intercolonial Railway, and the advisability of revising all the mail arrangements in the interests of the whole Dominion.

The Supply Bill was passed and the House adjourned.

HOUSE OF COMMONS.

OTTAWA, June 13.

The SPEAKER took the chair at 3:40 p.m.

CONCURRED IN.

The following Bills were returned from the Senate, with amendments, and were concurred in:—The Lake Superior and Manitoba Railway Company Act; an Act to incorporate the North West Railway Company; an Act to incorporate the Manitoba Junction Railway Company.

Hon. Mr. O'CONNOR moved that the

Hon. Mr. Mackenzie.

fee paid on the North West Trading Company's Bill be refunded, the Bill having been dropped in the Senate.

THE NORTH WEST TELEGRAPH.

Mr. SMITH (Selkirk) asked whether the Finance Minister had received any information from England as to the cost of the telegraph wire taken over for the Hudson Bay Company.

Hon. Sir F. HINCKS was glad his hon. friend had asked this question because it would give him an opportunity of explaining a matter which had excited a good deal of apprehension in the Public Accounts Committee that there was something wrong in the public accounts. The explanations given at that time were that it was part of the bargain made with the Hudson's Bay Company, that this wire should be taken at its cost price, satisfactory evidence being given to the Minister of Public Works that the price paid was cost price and charges; but when the invoices were produced the price seemed so enormous, being something like two or three times the cost of the ordinary wire that there seemed to be something wrong. He (Sir Francis) had promised to obtain information from England on the subject, and he had last night received a letter from Sir John Rose, which he would read. "The Hudson Bay Secretary was directed to make every enquiry in order to show that the Canadian Government had not been charged with more than the actual cost of the wire and transportation, and also he was further directed to collect all the documents in proof of that fact. I understand that the Government agreed to take it over at cost and charges. The documents which go by mail to Mr. Smith are the original invoices receipted with the cheques attached, showing the net payments to the maker; also sundry letters and certificates with reference to the value of the article at that time from persons who are judges of it. It appears that this peculiar kind of wire was supposed to possess superior advantages over all others, and Sir Curtis Lampson acted on the advice of Mr. Varley, the eminent electrician, in selecting it. Since that time there has been so much improvement in the other kinds of wire that the homogeneous is less used, and it can now be purchased at a less price than it then was. At the time it was bought it was, as I am informed, supposed to be a very judicious purchase; but if the thing had to be done over again to day, it is probable that the ordinary wire would be selected. There is no doubt, whatever, that the Government has only been charged

the actual cost, which, I understand was the arrangement. I need not repeat all the circumstances contained in the letters addressed by the Secretary to Mr. Donald Smith, but I hope they will be found to give sufficient information as to the various particulars you want." He (Sir Francis) also read a letter he had received from the Secretary of the Hudson's Bay Company to Mr. Donald A. Smith, the member for Selkirk, as follows:—"I have to acknowledge the receipt of your letter of the 10th inst., calling attention to a public discussion which has taken place in reference to the price charged by the Hudson's Bay Company for the telegraph wire purchased by the Canadian Government, and, by the Governor and Committee, I transmit herewith the original invoices, three in number, of the wire referred to, the receipts for the different amounts paid to Messrs. Shortridge, Howell & Co., of Sheffield, and the drafts on the Company's Bankers, in favor of that firm, showing that the prices charged in the invoices which you produced at Ottawa, are the cost prices paid by the Company in 1864. Acting upon the advice of Mr. C. F. Varley, the engineer and electrician of the Electric and International Telegraph Company, the committee purchased the homogeneous wire, which was carefully tested and approved by that gentleman before it was shipped. I have applied to Mr. Varley for the replies to the engineers contained in your letter and I hoped to have his answer in time for to-day's mail, but find that they will be sent on Saturday *via* New York." He (Sir Francis) also read extracts from a private letter to the effect that as to homogeneous wire, in the construction of which steel is used, owing to the great improvement made during the past seven or eight years, the price had been greatly reduced, and as regards the superiority of homogeneous wire over iron for telegraph purposes there can be little question, especially for deep stretches where great strength is required homogeneous wire can be made of any degree of softness, and in longer lengths than iron; and in its tensile strength, combined with flexibility, prevents many breakages that would take place if ordinary wire were used. He further read another letter addressed to Sir John Rose by a gentleman of experience, to whom he applied for information, to the effect that a ton of homogeneous wire cost now in London from £32 to £33. In 1865 and 1866, when the material was first used for cables, the price was from £47 to £50.

Mr. MACDOUGALL (Lanark) said the agreement was to take over the wire at its

actual cost, and there would be no doubt from the explanation that that had been done.

Hon. Mr. MACKENZIE said that the suspicions of the committee had been raised in consequence of the extraordinary price charged; a merchant covenant with such matters having stated that steel wire could be bought at half the price. No one supposed that the Hudson Bay Company desired to cheat the Government, but it was thought that a mistake had been made. He admitted that the documents read to the House fully explained the matter.

Mr. SMITH (Selkirk) explained that the wire had been selected by the Hudson Bay Company from its great lightness. The weight which in iron wire would extend for one hundred miles would in this wire be sufficient for three hundred.

HANSARD.

Hon. Sir JOHN MACDONALD should, bring before the House the question of the purchase of the Hansard for 1870 and 1871. A paper had been signed by about 130 members recommending this, and suggesting that the work should be continued if possible. He was of opinion that this work should be encouraged, and he thought the only way of doing so, was by Parliamentary assistance. It was to be regretted that the debates had not been preserved since confederation. In England there was no Parliamentary assistance because the members were wealthy and were willing to pay five guineas per session for the copy of a Hansard. This could not be expected of members here. He considered it of great importance that the debates of this Parliament, during which measures had been passed forming the foundation of our new system, should be preserved. He hoped Parliament would encourage the work for 1870 and 1871, and by so doing induce some publisher to obtain the debates of 1868 and 1869, and he would submit such a proposition to the House.

Hon. Mr. MACKENZIE said the House had already decided adversely to the proposal, and it was unfair to bring it up on the last day of the Session with a partisan report. He never objected to the publication of the debates under the supervision of a committee of the House. When tenders were brought in the matter broke down, and Mr. Cotton proceeded to publish it on his own responsibility. It was a mere skeleton and not a fair report; and although he did not object to purchasing a few copies for himself, he must object to

the few members now present reversing the decision already come to.

Hon. Dr. TUPPER said that the report did not bear a partizan character as an examination of the volumes would show. The reporters had been careful to give a fair and impartial report of what took place. As to the proposal having been negatived, he thought that a mistake. A proposal for an official report of the debates was, it was true, negatived; but the general feeling was expressed at the last session that it was desirable to have such reports, the proposal only being defeated through the somewhat peculiar proposal of an opponent of the measure. He felt that if measures were not taken to secure the substance of the discussions being handed down, showing the reasons for many of the measures being passed, a large outlay would have to be incurred by private individuals, or they would have to leave the proceedings of Parliament unreported.

Hon. Mr. MACDOUGALL (Lanark) saw no antagonism between this and the proposition which had been negatived, which was to have an official report at very considerable expense. It was most desirable that these reports should be obtained for reference, as now there is the necessity of preserving the files of the daily papers, which was a course very inconvenient and almost impossible. He thought the expense of obtaining these two volumes was not to be compared with the benefit that would arise. He found that by referring to the previous notes that it was the silent members who always voted down such propositions. Now, however valuable their services, it was very unfair that valuable discussions and decisions should not be preserved in prominent form.

Mr. HARRISON agreed in this view. The debate was continued at some length when in the absence of the Hon. Sir John Macdonald,

Hon. Sir GEORGE CARTIER moved that it be an instruction to the Commissioners of Internal Economy to make arrangements for 600 copies of the reports of Parliamentary proceedings, known as the Canadian Hansard, for the years 1870 and 1871 for the use of members, the cost to be charged to contingencies.

Hon. Mr. MACKENZIE objected that the motion was out of order. No notice had been given.

After considerable discussion,

Hon. Mr. MACKENZIE withdrew his objection, as notice of motion was given, and so the Government would carry it if they liked.

Hon. Mr. Mackenzie.

The motion was then put to the vote and carried—Yeas, 41; nays, 5.

ELECTION ACT.

Hon. Sir JOHN MACDONALD moved that the bill to amend the Interim Parliamentary Elections Act be referred back to the Committee of the Whole for amendment. The amendment affected the newly incorporated district of Tilsonburg. The Committee rose and reported and the bill was read a third time and passed.

SUPPLY.

Hon. Sir FRANCIS HINCKS moved the third reading of the Supply Bill.

Hon. Mr. MACKENZIE had objected last night to a third reading of the Supply Bill, in the first place because he thought they should conform to an old custom and make the Supply Bill the last Act of the House.

Hon. Sir JOHN MACDONALD—It is not the usual custom.

Hon. Mr. MACKENZIE thought that it should be the last act. It was evident that the power to withhold the supply was the great power of the House. He had intended last night to make some remarks upon the policy of the Government during the session, but at this late period of the day with so few members present, he would not make any extended remarks upon the general policy of the session, and for this reason—they were on the eve of a Parliamentary election and his speech might obtain a much more appreciative audience elsewhere (laughter), and perhaps he might be permitted to say a much better one. He had looked upon the events of the session as extremely important, important in the coming results to the Dominion, important in the immense expenditure which had been voted, important above all in the unconstitutional mode in which this expenditure had been sanctioned by Parliament. He had endeavored as far as he could to check what he believed to be unsound Parliamentary doctrine. A large majority of the House had decided in hostility to his views. From this decision he and those who had views in common with him were about to appeal to the country. The appeal would be decided in a very short time and he was content to wait the issue. He considered that incalculable damage had been done to Constitutional Government in the course they had pursued this session in regard to several measures, but he believed in a country like this, where the people had been accustomed to self-government, that they would appreciate the reasons put

forth by the Opposition. He knew that it had been said that the Opposition had made motions with a view to oppose that great work, the Pacific Railway. He denied that there was the least foundation for this statement. During all the years he had been in parliament, as his speech on the Confederation Bill would show, he had said that it was important for the country that a great Pacific Railway should be built. He believed that this was essential to the prosperity of the country, but he did not think that it was at all necessary to proceed in the way that the Government had attempted to proceed; and it was only against the particular mode of proceeding that he had directed his motions and his remarks. With regard to the Treaty of Washington, he had taken the same course early in the session, that he had taken in the House. He had not found any reason to regret the course which he had taken, and he felt that it would be appreciated in the country. The House had been in too great haste to humiliate itself. The Treaty was not yet accepted, and might not be. England hesitated to commit the act of suicide which was demanded at her hands by the authorities at Washington. He believed that in this matter the Government had yielded to an intolerant spirit which prevailed in the United States towards this country, yielded in a manner which would cause us to be less respected, and which would result in our being called upon to yield something more in the future. He might be wrong in these views, but the result would tell. He would not, of course, make any opposition to the passage of the measure. The bill was then read a third time and passed.

QUESTIONS.

Mr. TOURANGEAU asked, 1st, In what manner Imperial property in Quebec, such as the Citadel, barracks, fortifications, stores, &c., has been transferred to the Dominion of Canada; whether in trust with power to take possession at any time, or if it has been made an absolute gift? 2nd. Whether the Queen's Wharf, in Quebec, is or is not the property of the Dominion; or otherwise, whether it is or is not under the control of our Government?

Hon. Sir GEORGE E. CARTIER replied that as to the first question, the property had been handed over to the Canadian Government for defensive purposes. As to the second, the Queen's Wharf had not yet been handed over.

Dr. SCHULTZ on his notice of motion for an address respecting the distribution of half-breeds in Manitoba. After expressing his opinion that the reserve should be

distributed as best suited to the half-breeds themselves, withdrew the motion.

Dr. SCHULTZ on his motion for an address respecting the enumeration of the inhabitants of Manitoba said he had brought the matter forward because of the promise made him last year by the then Minister of Agriculture, that the census shortly to be taken would include Manitoba, and he was disappointed that that promise had not been carried out. It was very important that an enumeration should be made. He withdrew the motion.

Hon. Sir JOHN A. MACDONALD said the Government were not aware of any such promise.

Hon. Mr. MACKENZIE distinctly remembered the promise, and was sorry the motion was withdrawn.

Dr. SCHULTZ moved an address to the Governor General for an increase of the military force in Manitoba to 300 foot and 100 horse. He said this number was absolutely necessary to maintain the dignity of the Crown, and expressed the hope that the Adjutant General would visit the Province to judge of the matter for himself.

Hon. Sir GEORGE CARTIER said he had previously announced the intention of the Government to provide a force of 300 men. As to the constabulary force, it had been recommended by the Lieutenant Governor, and also by the member for Lisgar and Selkirk, and it would engage the attention of the Government.

Dr. SCHULTZ said that was the assurance he desired to elicit, and he withdrew his motion.

PUBLIC LANDS.

On the third reading of the bill respecting the public lands of the Dominion,

Hon. Mr. MORRIS moved its reference back to Committee for amendments.

The amendments were passed through Committee, and the bill was read a third time and passed.

The House then at 5.45 adjourned till 11 o'clock to-morrow, it being promised, at the request of Mr. Mackenzie, that no business would then be undertaken, except matters from the Senate.

HOUSE OF COMMONS.

FRIDAY, June 14, 1872.

The SPEAKER took the chair at 11.45
PILOTS.

After routine.

Hon. Dr. TUPPER presented a correspondence between the Department of Marine and Fisheries and the Board of Trade in England relating to services of pilots in the St. Lawrence.

ELECTION ACT

On the motion to concur in the Senate amendment to the bill to amend the Interim Parliamentary Election Act.

Mr. WALSH explained that the amendment affected a portion of Middleton. The effect of it would be to leave the representation of Oxford and Norfolk unchanged.

BOUNDARY LINE.

Hon. Mr. MACDOUGALL asked whether any progress had been made with reference to the boundary between Ontario and Quebec.

Hon. Sir JOHN MACDONALD replied that negotiations between the two Governments were going on; and that the Secretary of State and the Commissioner of Crown Lands, Mr. Scott on the part of Ontario, were in communication on the subject.

At twelve o'clock the House rose to be prorogued at two.

SENATE.

FRIDAY, June 14, 1872.

PROROGATION.

At three o'clock His Excellency the Governor General came down to the Senate and having assented to a number of Bills, prorogued Parliament with the following Speech:

SPEECH.

Honorable Gentleman of the Senate:

Gentlemen of the House of Commons:

I have much satisfaction in relieving you from an attendance in Parliament which cannot fail to be inconvenient to many of you at this season of the year. I thank you therefore all the more for the time and attention which you have diligently bestowed on the discharge of your public duties.

The interest and importance of various questions which have been discussed and decided will render the Session memorable in the annals of the country.

Your adoption of the Articles of the Treaty of Washington which affect Canadian interests, has placed in a clear light your determination to share the fortunes of England. The generous disposition evinced under the trying circumstances of the time has added strength to the honourable position of Canada, both as regards the British Empire and the United States.

The vast project, of which you have so wisely matured the conditions, of carrying a Railway to the shores of the Pacific, will open a new pathway for England as well in peace as in war, to the East, and will, I trust, be productive of the most essential

benefits to this Dominion by giving facilities to traffic of all descriptions, enhancing the value of the public lands, promoting their settlement, and drawing closer the ties which bind the sister Provinces together by easier access and multiplied intercourse.

Few who have not considered the subject have any adequate conception how large an extent of economical advantage, the possession of great navigable rivers like the St. Lawrence and its tributaries comprises. The outlay you have sanctioned on their improvement, and on that of the auxiliary canals, is a safe investment. It will be amply and speedily repaid by the augmented volume of trade flowing down all the channels opened to its course, for it will be swollen by the confluence of your accumulating productions with those of your Western neighbors.

It is highly satisfactory that the condition of the revenue is so prosperous as to enable you to advance the interests of the Country by commencing the construction of these works at once, without delay or misgiving.

Gentlemen of the House of Commons:

In Her Majesty's name I thank you for the supplies which you have so cheerfully granted.

I heartily congratulate you on the prosperous condition of the revenue, and on your having been enabled by the repeal of the duties on tea and coffee to diminish the burdens of the people.

Honorable Gentlemen of the Senate.

Gentlemen of the House of Commons.

The joint addresses with which you have honored me on the eve of my departure is most agreeable to my feelings.

I shall, I assure you, hold in grateful recollection all my life, the expression of your respect and esteem.

I have watched with deep interest in my official capacity the proceedings of four sessions, and made myself otherwise acquainted with the views and wishes of the Parliament and people of Canada, and I earnestly hope that the good intelligence which prevails between them and the people of England may last constant and unimpaired for generations to come.

I have now the honor to bid you farewell, with those serious thoughts which the word farewell naturally awakens, with every acknowledgment of the many courtesies and the effective assistance which I have received at your hands and with the most cherished and ardent wishes for the welfare of the Dominion, with which I rejoice to think that my humble name has been connected by an honorable tie for more than three years.

The following Bills received the Royal Assent:—

An act to repeal the Duties of Customs on Tea and Coffee.

An act to amend the act respecting the Statutes of Canada.

An act to confirm an agreement made between the Grand Trunk Railway Company of Canada and the International Bridge Company; and for other purposes.

An act for the avoidance of doubts respecting Larceny of Stamps.

An act further to amend "an act" respecting the security to be given by Officers of Canada.

An act to correct a Clerical error in the act respecting Malicious Injuries to Property.

An act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum.

An act to naturalize Anson Greene Phelps Dodge.

An act to amend the act regulating the issue of Dominion Notes.

An act respecting the Public Debt and the raising of Loans authorized by Parliament.

An act to amend the act respecting the Civil Service of Canada.

An act to amend the act of incorporation of the Caughnawaga Ship Canal Company.

An act to amend an act to incorporate the Detroit River Tunnel Company, and for other purposes.

An act to amend "An act to incorporate the Managers of the Ministers' Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland.

An act to incorporate the Canada and Newfoundland Sealing and Fishing Company.

An act relating to the Treaty of Washington, 1871.

An act to indemnify the Members of the Executive Government and others for the unavoidable expenditure of Public Money without Parliamentary grant, occasioned by the sending of an expeditious force to Manitoba in 1871.

An act relating to Quarantine.

An act to amend the act relating to Banks and Banking.

An act respecting the Grand Trunk Railway and the Champlain Railroad Companies.

An act to incorporate the Bank of Acadia.

An act respecting the Toronto Savings Bank.

An act to amend the act, chapter 47, of the Consolidated Statutes for Upper Canada, entitled, "An act respecting Rivers and Streams."

An act to amend the act incorporating the British America Assurance Company, and the subsequent acts affecting the said Company.

An act to incorporate the Anchor Marine Insurance Company.

An act to amend the chapters six and seven of the Statutes of 1871, relating to Savings' Banks.

An act to incorporate the Thunder Bay Silver Mines Telegraph Company.

An act to incorporate the Mail Printing and Publishing Company. (Limited.)

An act to incorporate the Canadian Railway Equipment Company.

An act to amend the act incorporating the Mutual Life Association of Canada.

An act to legalize a certain agreement entered into between the Grand Trunk Railway Company of Canada and the Corporation of the Town of Galt, and for other purposes therein mentioned.

An act to legalize and confirm the Lease to the Northern Railway Company of Canada of the Lines of Railway of the Northern Extension Railways Company.

An act to amend the act incorporating the London and Canadian Loan and Agency Company. (Limited.)

An act to enable the Great Western Railway Company to extend and improve its connections.

An act to incorporate the Dominion Water Works Company.

An act to incorporate the Inland Marine and Fire Insurance Company of Canada.

An act to incorporate the St. Catherine's (Ontario) Board of Trade.

An act to amend the act to incorporate the Canadian and European Telegraph Company.

An act to incorporate the Bank of Saint John.

An act to incorporate the Maritime Bank of the Dominion of Canada.

An act to incorporate the Bank of Hamilton.

An act to incorporate the St. Lawrence Bank.

An act to incorporate the Exchange Bank of Canada.

An act to incorporate the Quebec Frontier Railway Company.

An act to incorporate the Canada Agricultural Insurance Company.

An act to incorporate "The Saint John Board of Trade."

An act to incorporate the Board of Trade of the Town of Levis.

An act to incorporate the Missionary

Society of the Wesleyan Methodist Church in Canada.

An act to incorporate the Sorel Board of Trade.

An act to amend the law relating to the Fraudulent Marking of Merchandise.

An act to provide for the Revisal of Voters' Lists for Elections to the House of Commons in a certain Revised District of the County of Victoria, Nova Scotia.

An act to incorporate the Detroit River Railway Bridge Company.

An act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

An act to incorporate the Coteau and Province Line Railway and Bridge Company.

An act to incorporate the St. Lawrence International Bridge Company.

An act to incorporate "The Bank of Manitoba."

An act to change the name of the "District Permanent Building Society of Montreal" to that of the "Loan and Landed Credit Company," and to grant certain powers to the said Company.

An act to extend the powers of the Montreal Telegraph Company, and for other purposes.

An act to incorporate the Superior Bank of Canada.

An act to incorporate the Toronto Corn Exchange Association.

An act to divide certain polling districts in the County of Inverness, in the Province of Nova Scotia, and to provide for voters' lists therefor.

An act respecting bridges.

An act to amend "The St. Lawrence and Ottawa Railway Act."

An act to remove doubts under the act respecting the Public Works of Canada.

An act respecting the shipping of seamen in Nova Scotia.

An act respecting the appointment and powers of Commissioners of Pilots for the coasts and harbours of the County of Charlotte.

An act to provide for the appointment of Harbor Master for the Port of Halifax.

An act to amend the act, 34 Victoria, chapter 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company.

An act to grant certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.

An act to incorporate the "Dominion Trust Company."

An act to compel members of the Local Legislature, in any Province where dual representation is not allowed, to resign

their seats before becoming candidates for seats in the Dominion Parliament.

An act to incorporate the "Banque Ville Marie."

An act to incorporate the Canada Improvement Company.

An act to amend the Immigration Act of 1869.

An act to incorporate "The Accident Insurance Company of Canada."

An act to incorporate the Ontario Shipping and Forwarding Company.

An act to incorporate the Board of Trade of the Town of Chatham.

An act relating to bills of Exchange and Promissory Notes.

An act respecting the Canadian Pacific Railway.

An act to amend the St. Francis and Megantic Railway act.

An act respecting Patents of Invention.

An act to incorporate the Halifax Banking Company.

An act to incorporate the Manitoba Insurance Company.

An act to provide for the incorporation of Immigration Aid Societies.

An act to re-adjust the Representation of the House Commons.

An act to incorporate the Manitoba Junction Railway Company.

An act to incorporate the Lake Superior and Winnipeg Railway Company.

An act to incorporate the North Western Railway Company of Manitoba.

An act to incorporate the Central Railway Company of Manitoba.

An act to incorporate the Lake Superior and Manitoba Railway Company.

An act relating to the Central Bank of New Brunswick.

An act to incorporate the 'Quebec Pacific Railway Company.'

An act to incorporate the Imperial Guarantee and Loan Society.

An act to incorporate The Canada Pacific Railway Company.

An act to incorporate the Canada and New York Bridge and Tunnel Company.

An act further to amend the act 31 Victoria, Chapter 33.

An act to explain and amend the "Sault St. Mary Railway and Bridge act."

An act to amend the act to incorporate the Queenston Suspension Bridge Company.

An act to amend the act of incorporation of the Ontario and Erie Ship Canal Company.

An act further to amend the act incorporating the Western Assurance Company.

An act to amend the act incorporating the Canada Central Railway Company.

An act to incorporate the Thunder Bay Silver Mines Railway Company.

An act to incorporate the Pacific Junction Bridge Company.

An act to incorporate the Gananoque and Wiltsie Navigation Company.

An act to incorporate the Inter-Oceanic Railway Company of Canada.

An act to amend the act 32 and 33 Victoria, Chapter 8.

An act to amend the Law relating to Advertisements respecting Stolen Goods.

An act to amend an act of the present Session, and to enable the Governor in Council to impose a duty on tea and coffee, imported from the United States, in the case therein mentioned.

An act to amend the Criminal Law relating to Violence, Threats and Molestations.

An act respecting Trade Unions.

An act to extend the Acts, 32, 33 Vict., Cap. 40, and 33 Vic., Cap. 20, to the Port of Collingwood.

An act to extend certain Laws relating to matters connected with Navigation to the Province of British Columbia.

An act for imposing Tonnage Dues and Wharfage Rates to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec.

An act to extend the Canadian Tariff of Duties of Customs and Excise, and certain acts relating to Customs and the Revenue to the Province of British Columbia.

An act to incorporate the Anticosti Company.

An act to amend the Interim Parliamentary Elections Act, 1871.

An act respecting the Public Lands of the Dominion.

His Excellency the Governor General was pleased to reserve the following Bill for the signification of Her Majesty's pleasure thereon.

An act to amend the act respecting copyright.

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